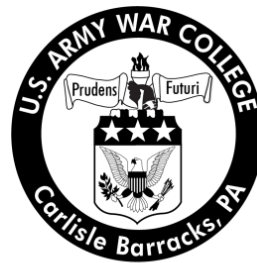


Strategy Research Project

Finding "The Right Way": Towards an Army Institutional Ethic

by

Lieutenant Colonel Clark C. Barrett, Ph.D.
United States Army



United States Army War College
Class of 2012

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USAWC STRATEGY RESEARCH PROJECT

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The ethical lapses exemplified by Abu Ghraib, Mahmudiyah (Blackhearts), and Maywand (5/2 Stryker) are distressing symptoms of an even bigger, and potentially devastating cultural shortcoming. The U.S. Army profession lacks an institutional ethical framework and a means of peer-to-peer self-governance. The frameworks the Army has may imply but they do not explicitly dictate an Army ethic. Other English-speaking nations' ethical constructs can inform the development of an Army Ethic which serves to protect our organizational and individual honor from moral and ethical lapses which do great harm to the institution, undermine the American public trust and hinder mission accomplishment. This study describes the problem, provides a review of literature, including current Army artifacts, partner nation military ethics, and necessary philosophical underpinnings. The study also addresses the importance of promulgation, non-toleration, and the necessity for the Army to act as a learning organization. Finally, the study supplies and justifies a proposed institutional and individual Army Ethic and means of promulgation, ethical decision-making and governance. The proposed Ethic replaces and integrates a number of disjointed and disconnected Army artifacts.

FINDING “THE RIGHT WAY”: TOWARDS AN ARMY INSTITUTIONAL ETHIC

Those skilled in war cultivate the *Tao* and preserve the laws and are therefore able to formulate victorious policies. *Tu Mu*: The *Tao* is the way of humanity and justice; 'laws' are regulations and institutions. Those who excel in war first cultivate their own humanity and justice and maintain their laws and institutions. By these means they make their government invincible.¹

— Sun Tzu

Around 500 BC, Sun Tzu wrote the opening epigraph, and around 800 AD, Tu Mu interpreted Sun Tzu's words. The critical word, *Tao* literally "the right way", translates variously, but the pertinent translation is "moral influence." Sun Tzu recognized the importance of morality in warfare and placed moral influence first in order of war priorities.² Since Sun Tzu's *The Art of War* focused on the strategy of war, one can infer that "those skilled in war" refers to generals and strategic leaders charged with "cultivat[ing] their own humanity and justice and maintain[ing] their laws and institutions." Sun Tzu notes, "by these means they make their government invincible."³

So how does it happen that 2500 years later, though aware of these ideas and their importance, the U.S. Army lacks the proper moral foundations upon which to operate? Despite the high profile blunders of Abu Ghraib, Mahmudiyah (Blackhearts), and Maywand (5/2 Stryker BDE), the Army still has not properly focused its efforts to prevent such crimes before they happen.⁴ I believe these crimes are merely distressing symptoms of an even bigger and potentially devastating cultural shortcoming. The United States Army profession lacks a formal, comprehensive institutional ethical framework and a means of peer-to-peer self governance. Artifacts, which the Army has in abundance, only imply and do not explicitly dictate an Army ethic. A true Army ethic may take the form of an explicit artifact, but ideally, it would encompass and recognize

the *implicit* norms, values, and underlying assumptions of the total organization.⁵ The ethics of other professional armies can inform the development of a U.S. Army ethic, which would protect the organizational and individual honor from ethical lapses which do great harm to the institution and hinder mission accomplishment. Ultimately, the Army's strategic leadership must champion and promulgate such an ethic.

This paper defines the relevance of ethics in support of military ends and the Army Profession, describes current Army culture and needs, compares allied nations' responses to this problem, and ultimately offers a draft institutional Army ethic and methods for promulgation and self-governance for consideration and further discussion.

Review of Recent U.S. Army Ethical Failures

Most people in the military are well aware of the most gratuitous examples of war crimes perpetrated by American soldiers during the Global War on Terror in Iraq and Afghanistan. Nevertheless, a review of certain incidents, circumstances and behavioral trends provides valuable insight. Sadly, U.S. forces committed other atrocities; these are simply the most infamous.

Abu Ghraib, Iraq. The U.S. Army removed seventeen soldiers from duty, and charged eleven of those soldiers with dereliction of duty, maltreatment, aggravated assault and battery for participation in abuse of prisoners at Abu Ghraib from late 2003 through early 2004.⁶ Between May 2004 and March 2006, the Army convicted, imprisoned, and dishonorably discharged eleven enlisted soldiers. The Army reprimanded and demoted the detention facility's commander, Brigadier General Janis Karpinski.⁷ Specialist Charles Graner, the group's ringleader, and his former fiancée, Specialist Lynndie England, received the longest sentences of ten years and three years, respectively. After the perpetrators provided disks of incriminating photos and

videos to Specialist Joseph Darby, he exposed the abuse and requested assistance from the Criminal Investigation Division.⁸ When Darby initially questioned Graner about the photos, Graner stated, "The Christian in me knows it's wrong, but the corrections officer in me says, 'I love to make a grown man piss himself.' "⁹

Mahmudiyah, Iraq. On March 12, 2006, four soldiers from the 101st Airborne Division gang-raped and murdered a 14-year-old Iraqi girl, after killing her mother, 34; her father, 45; and her sister, 5. In revenge for the crime, Iraqi insurgents kidnapped, tortured and beheaded two innocent soldiers—Private First Class Thomas Tucker and Private First Class Kristian Menchaca—from the same unit. In August 2007, Private First Class Jesse Spielman, 23, was sentenced to 110 years in prison. Jurors convicted Spielman of rape, conspiracy to commit rape, housebreaking with intent to rape, and four counts of felony murder. Spielman pled guilty to lesser charges. In September 2009, Private First Class Steven Green, the instigator, received life in prison with no parole. The other soldiers involved were also jailed. Private First Class Justin Watt reported the rape-murders after hearing from another soldier what had occurred.

Maywand, Afghanistan. In early 2010, a "kill team" from 5th Brigade, 2nd Infantry Division, murdered at least three Afghan civilians in Maywand district. The Army charged five soldiers who were allegedly involved in the killings. Seven other soldiers were charged with crimes such as drug use, impeding an investigation, and attacking a whistleblower. The ringleader was Staff Sergeant Calvin Gibbs. On March 24, 2011, Specialist Jeremy Morlock pled guilty to three counts of premeditated murder. He testified that he had helped to kill unarmed Afghans in faked combat situations. Under a plea deal, Morlock received 24 years in prison and a dishonorable discharge for the

crimes, in return for testimony against other soldiers.¹⁰ On November 10, 2011, jurors found Gibbs guilty of all charges including three counts of murder.¹¹ Gibbs received a sentence of life without parole. Specialist Justin Stoner alerted military police to drug use by members of the unit.

Three common elements are particularly noteworthy about these case studies. First, each was a clear war crime, which the Army would eventually punish by legal means. Second, each case had a charismatic ringleader, or moral pirate, who led other soldiers astray.¹² Finally, in each case a whistle-blower junior soldier ultimately stood up for what was right and reported the crimes.

Most Americans believe that while these crimes are repulsive and horrific, they do not represent the conduct of most soldiers in combat zones. This is largely true. However, William Deresiewicz noted that only Abu Ghraib was widely discussed, and he asked the question "How many more of these have there been?"¹³ Unfortunately, other information suggests the answer: immoral, illegal and unethical conduct in theater is far more common than one might hope.

The 2007 report from the Military Health Advisory Team (MHAT) IV in Iraq described just how pervasive the problem had become.¹⁴ The report revealed many disturbing facts, including the following:

- 41% of soldiers and 44% of Marines believe torture is acceptable to save the life of a fellow warrior.
- 36% of soldiers and 39% of Marines believe that torture is acceptable to gain intelligence on the insurgents.
- Less than 50% of soldiers and Marines felt that non-combatants should be treated with dignity and respect.
- More than 30% of personnel admitted insulting and swearing at Iraqis.

- 4% of soldiers and 7% of Marines confessed to hitting or kicking non-combatants.
- Only half would report maltreatment or unlawful killing.
- Nearly one third said their officers had not made it clear that maltreatment is not acceptable.¹⁵

The results of this study prompted General David Petraeus to send out a theater-wide memo calling for increased professionalism and moral behavior in 2007.¹⁶ Notably, the results—referring to ethical questions—in that year's follow-up study, MHAT V were worse than the year before. The 2008 MHAT VI eliminated "items that could be potentially incriminating," which was essentially the ethical section of the survey.¹⁷

Finally, there is the example of the debacle of enhanced interrogation techniques and detainee policy as implemented by the Bush administration. Much has been written on the matter, and arguments have been made in favor of the practice.¹⁸ Opponents argue that enhanced interrogation techniques were tantamount to torture and did not reflect American values.¹⁹ Top government officials and lawyers approved abusive techniques for use on Guantanamo prisoners. When these techniques were approved for use at Abu Ghraib, they led to even graver abuses.²⁰ The interrogation issue has been heavily reported and studied and though not truly within the scope of this study, does offer at least one relevant question: "Why did not more servicemembers refuse to follow the orders to employ harsh interrogation techniques?"²¹ Even if the program was legal, was it also ethical or moral? Many military interrogators, most notoriously at Guantanamo and Abu Ghraib, did not seriously question such policies, though the post World War II Nuremberg trials clearly established that "just following orders" is not a viable defense.²²

These examples serve as "weak signals" or indicators of an Army whose long-term ethical health remains uncertain.²³ Some might argue "these things happen sometimes in wartime." Stjepan Mestrovic, a specialist on the subject of war crimes, condemned the Army's *de facto* notion that such crimes are characteristic of a few "bad apples" or "rogue platoons."²⁴ Such responses are as inappropriate as the dismissive clichés used to convey it. Indeed, the Army must studiously avoid even the air of impropriety that surrounds atrocity or near atrocity. In such cases, a zero-defects mentality becomes appropriate.

The opportunity for transgression and the severity of the after-effects means that the United States can ill-afford for its troops to commit even one atrocity. These activities have done irreparable harm. News of these crimes blazes through our information-age internet and television networks and hands motivation and recruitment tools to our enemies. The war efforts in Iraq and Afghanistan grow longer and more difficult as a result.²⁵ The national character is besmirched, and the ability of the U.S. to exert diplomatic (moral) influence in the world is lowered. Finally, one cannot help but wonder at what the psychological impact has been on the soldiers themselves.²⁶ The strategic repercussions of atrocities demand hyper-vigilance and prior preparation, beyond what the Army currently requires.

The military has a robust legal system to deal with crimes and atrocities after the fact. The three case studies show that justice can be done, albeit in *post hoc* fashion. However, these case studies also demonstrate the need for greater deterrence and the need to prepare the fighting force for moral and ethical challenges. The Army requires an Army Institutional Ethic aligned with the national character. The Army needs to

revise the way it trains and sustains soldiers' moral awareness, their justification for killing the enemy, and their responsibility to ensure atrocities do not occur.

Definitions

Because many terms in this study have multiple meanings, I have established the following working definitions to avoid confusion. These delineations are especially important with the two following terms—which the Merriam-Webster dictionary uses in circular reference to one another.

moral(s): "of or relating to principles of right and wrong in behavior : ethical <*moral* judgments>."²⁷ For the purposes of this study, "moral behavior" or "morals" denote an individual or personal characteristic.

ethic(s)/ethical: "a set of moral principles : a theory or system of moral values."²⁸ For the purposes of this study, "ethical behavior" or "ethics" refer to an institutional, organizational, professional or group characteristic.²⁹ An ethic can be informal or implied (e.g. Army ethic or ethos), but an Ethic (proper noun) refers to an explicit code of Ethics (e.g. Army Ethic or Institutional Army Ethic).

moral/ethical: using both terms together implies that the person's individual and institutional principles align, or should.

To understand the need for an Army institutional ethic, one must first understand the role moral behavior plays during war. Immoral or unethical conduct can negate efforts to win the war, as well as erode the American people's trust in the organization. Inappropriate behavior can also call the Army profession into question. In the end, to achieve our war aims we must act in accordance with a set of principles, while maintaining public expectations and trust.³⁰

The Relevance of Ethics to Military Ends

The ultimate goal of war is to achieve a better peace.³¹ Unfortunately, war waged in an immoral manner rarely ends well. Victims of injustice often refuse to seek a peaceful accord with their enemy. The rationale becomes, "better to die on the field of battle than to suffer injustice off the field." Philosophers and politicians formulated theories of just war and rules of war in order to avoid un-ending war and chaos, perpetuated by immoral conduct.

The just war tradition, as we know it in the West, is primarily a Roman and Christian construct with Cicero, St. Augustine, and St. Thomas Aquinas among the earliest contributors to the formal theories.³² During the medieval period, the code of chivalry—from the Middle English *chivalrie*, Anglo-French *chevalerie*, and *chevalier* knight—grew from a simple set of rules for horse-owning knights to a code of ethical conduct for employment in and out of combat.³³ In 1625, Hugo Grotius' *De Jure Belli Ac Pacis* laid out humanitarian reasons for protecting prisoners. Later during the English Civil War of the 1640s, Grotius' treatise influenced the establishment of "Lawes of Armes" and codes of conduct to prohibit prisoner abuse. By the mid 1700s, most Western professional armies found such abuse inappropriate. In 1785, a treaty between Prussia and the United States further codified rules of war and prisoner treatment. In 1863, the Lieber Code became the Union Army's official guide for conduct on Civil War battlefields, and later provided the basis for the 1899 Hague Convention.³⁴

These few landmarks map the development of just war theory. The theories vary in their content, but as Professors Joseph Nye and David Welch note, "the just war tradition combines a concern for the intentions, means, and consequences of actions."³⁵

Generally, just war theory consists of two component parts, the justice of reasons for declaring war and the justice in how the war is waged.

Jus ad bellum (literally, the justice of war) is the responsibility of national leaders who determine the interests and ends and assess whether the use of force is morally permissible. As such, *jus ad bellum* falls outside the scope of this study.³⁶

Jus in bello (literally, justice in war) pertains primarily to the military whose ways and means must achieve the political ends. According to Nye and David Welch, "the principles of *jus in bello* are (1) observe the laws of war, (2) maintain proportionality, and (3) observe the principle of noncombatant immunity."³⁷

As noted, the Lieber Code served as a template for both the Geneva and Hague Conventions, signed by the United States. As such, the U.S. Army trains soldiers on these conventions, expects compliance with these conventions, and punishes those who violate the conventions. Furthermore, we expect soldiers to disobey orders that would violate these laws and conventions. One Department of Defense document, *Armed Forces Officer*, cautions officers on this point: "You, in turn, must follow superior direction or rules unless faced with a clear operational, legal, or moral reason to refuse or deviate."³⁸ For highly trained and loyal soldiers, disobeying even an illegal, immoral or unethical order is sometimes difficult, but such disobedience remains absolutely necessary.³⁹

After all, as wise strategists and savvy leaders know, atrocities only perpetuate war. In his landmark treatise, *On War*, Clausewitz noted:

It had ceased to be in harmony with the spirit of the times to plunder and lay waste the enemy's land, which had played such an important role in antiquity.... It was rightly held to be unnecessarily barbarous, an invitation to reprisals, and a practice that hurt the enemy's subjects rather than their

government—one therefore that was ineffective and only served permanently to impede the advance of general civilization.⁴⁰

B.H. Liddell Hart also appealed to reason noting that:

The more brutal your methods the more bitter you will make your opponents, with the natural result of hardening the resistance you are trying to overcome....[it is wise] to avoid extremes of violence which tend to consolidate the enemy's troops and people behind their leaders.⁴¹

Even today, the incidents at Abu Ghraib and Guantanamo provide motivation to America's foes to continue to fight.⁴² Our nation's enemies remember offenses against their culture, people, or ideology in the same way Americans remember "the Maine, [the Alamo], Pearl Harbor, and 9-11."⁴³ The 9-11 commission stated the case quite clearly in their report:

[The U.S. government] should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors. America and Muslim friends can agree on respect for human dignity and opportunity.⁴⁴

Moral/ethical battlefield conduct is necessary for achieving the ends of war. Such conduct also keeps faith with the American public and positively represents their best interests.

The Relevance of Ethics to the American Public

The United States Army operates on behalf of the American people, and the public typically has high confidence in their military. Polls reveal that servicemembers often command extremely high levels of respect.⁴⁵

The American people also have a relatively high tolerance for military missteps. Mestrovic suggests that even a gross failure like Vietnam's My Lai massacre was largely tolerated and viewed as a collective American failure, rather than the failure of just CPT Medina, LT Calley, and the platoon.⁴⁶ In the past, Americans felt a collective

responsibility when they knew of their servicemembers' wartime atrocities, but as Mestrovic explains, recent war crimes are less accepted today because they are attributed to "aberrations perpetrated by a derelict few [bad apples], rather than the inevitable results of institutional failures."⁴⁷ Nevertheless, public support of the military depends on the military's good faith efforts to maintain that trust. Former Army War College instructor, Colonel Lee Deremer, notes:

Public trust can fade much more quickly than it is accumulated. It can wane for a variety of reasons, whether from tactical mistakes that have strategic consequences, or from failing to build and maintain a culture of competence, accountability and integrity.⁴⁸

War crimes damage the faith Americans have in their soldiers and in the wars their soldiers are fighting. Minimizing this damage must be a top priority for the U.S. military if it is to achieve a lasting workable peace from its conflicts abroad.⁴⁹

The Relevance of Ethics to the Army Profession

Beyond the external ends of wartime efficacy and retention of the trust of the American public, the Army needs an institutional ethic to safeguard the Army Profession. Definitions of what constitutes a profession vary widely. The dictionary version is perhaps too simplistic—"a calling requiring specialized knowledge and often long and intensive academic preparation."⁵⁰ Sociology Professor Magali Larson suggests that a profession requires the following characteristics: "professional association, cognitive base, institutionalized training, licensing, work autonomy, colleague control... and a code of ethics."⁵¹ The common characteristics of a profession often include group association, specialized knowledge and training, and a certain level of autonomy granted in exchange for self-regulation and codes of behavior.⁵² The expert knowledge of a profession works towards a "significant field of human endeavor" with

high stakes for the client—the recipient of the professionals' services—such as life, justice and self-determination.⁵³ The classic professions of medicine, law and clergy clearly fall into this category. The military seems well suited to the title of "profession" as well.

According to historian Barbara Tuchman, the U.S.Army's professional relationship with its client "is, first and foremost, [as] the nation's obedient and loyal military servant. It takes pride in being the keeper of the essential skills of war that must be infused into the citizenry when they are called upon to fight."⁵⁴ Samuel Huntington, Morris Janowitz, and Charles Moskos are among the many academics who have labored to define and understand the military as a profession. This effort continues today.

This study assumes the Army is a profession and must hold to the basic tenets of a profession as described by Larson. The key characteristic of professions (using Larson's terms) is the idea of work autonomy based on colleague control and a code of ethics.⁵⁵ Simplified, the Army profession is "granted autonomy" by the client, in exchange for maintaining "a self-policing ethic."⁵⁶ This *quid pro quo* relationship remains in constant tension. The autonomy the American political leadership and public grants depends on the Army having an explicit Ethic, living by it, and enforcing it by means of self-policing. What then does it mean, if the Army does not have those things? That problem would constitute both an institutional and individual crisis for the profession.

In 2010, the Chief of Staff of the Army, General George Casey, and his successor, General Martin Dempsey, raised concerns with the state of the Army as a profession. As a result, they set the conditions for a rigorous study titled the Army

Profession Campaign. This campaign, initiated on January 1, 2011, aimed to re-evaluate the state of the Army profession after ten years of war. The team's work continues, but the significance of the effort demands recognition. That the institution has engaged in this reflective effort is commendable. The Army's recognizes that it's exhibiting the characteristics of a profession—especially when most Americans support such characteristics—becomes absolutely critical if the organization intends to maintain moral legitimacy, public trust, and support for its conflicts abroad.

Early on the campaign team members defined the tenets of the Army Profession: Trust, Trustworthiness, Honorable Service, Esprit de Corps, Military Expertise, and Stewardship. The concept of Stewardship may encompass the notion of self-policing, but only if there is a clear and coherent ethic to police and a method by which to police it. Currently, neither exists.

Other Professions and their Ethics

As noted before, the other classic professions have codes of ethics of their own. In contrast to the Army, these codes are explicit and easily understood. Indeed, many professions take their codes as an oath. The best known is the medical profession's Hippocratic Oath.

In approximately 400 BC, Hippocrates created one of the oldest binding codes in history, best known by its often-misattributed summation of "First Do No Harm." Modern medical practitioners rarely use the classical form of the oath; they more frequently use Doctor Louis Lasagna's 1964 version.⁵⁷ Another form of this medical oath has its roots in World War II. Physicians at the time, horrified by the illegal, immoral, and unethical prison experiments conducted by Nazi doctors, put into place the Nuremberg Code in 1947 and the Declaration of Geneva in 1948.⁵⁸

Nevertheless, the Hippocratic Oath in its classical or modern form speaks to the specialized knowledge doctors have, their critical relationship with their client-patients, and the self-governing actions of the medical community. While some question the usefulness and relevancy of the ancient oath, the medical profession has made continued efforts to ensure they adhere to an updated version of the code.⁵⁹

The medical profession also has an almost universal method of apprenticeship, whereby aspiring professionals—medical school graduates—become fully certified members of the profession through residency programs within hospitals and the medical community. Attending physicians often supervise these apprentices under the guise of a "teaching hospital."

This pattern repeats in many ways within the other classic professions of law and divinity.⁶⁰ Many other occupations which aspire to be professions have these codes of ethics, self-government, and means of integrating new professionals into their community.⁶¹ The Army might benchmark these other professions in order to improve their own. Although this study does not go into detail with regard to other professions, it does explore later how five other countries utilize such codes.

Opposing Views to an Ethic

While it may seem obvious that a code of ethics would benefit any organization, there are reasons not to adopt an institutional ethic.⁶² Some writers suggest that these sorts of professional codes are "pointless, unnecessary, and possibly pernicious."⁶³ One argument suggests that there need not be any special delineation for professionals because all people have the same rights and duties as moral persons.⁶⁴ Another argues that codes are so infrequently referred to, or so poorly constructed that they become a detriment rather than an aid.⁶⁵

In *The Warrior's Way*, soldier-scholar Richard Gabriel provides a litany of commonly stated objections to a professional code of ethics. His list, briefly encapsulated, includes:

- Ethics cannot be taught.
- Ethics cannot be enforced externally.
- A code might substitute for ethical judgement.
- An idealized code is unattainable.
- A truly comprehensive code would be unwieldy and impossibly large.
- Codes can encompass concepts which are in conflict.
- Codes can be misapplied.
- Codes can endanger a user who blindly follows such a code.
- Codes imply that soldiers are inherently bad.⁶⁶

Gabriel provides additional details on each of these ideas and provides a superb counter-argument for each of them. He remains a supporter of a code of ethics for the members of the military profession and later in his book Gabriel provides an example of such a code.⁶⁷

As Andrew Olson of the Center for the Study of Ethics in the Professions notes, formulating a proper code of ethics is inherently difficult. The author must create a philosophically sufficient and comprehensive ethic while leaving it open-ended enough to account for unforeseen situations. The ethic must also be appropriate and understandable for its target audience.⁶⁸

History of the Army Ethic

Assuming that a code of ethics provides value, despite potential drawbacks, it becomes beneficial to review some past products the U.S. Army created that referred, or failed to refer, to ethics. Historically, the Army has used leadership manuals as the means to communicate guidance and intent regarding ethical issues.

The Army issued its first Army leadership manual, a pamphlet titled *Leadership*, in 1948.⁶⁹ In 1973, the Army issued *Military Leadership*. The July 1990 issue of *Military Leadership* (FM 22-100) contains the first reference in Army doctrine to an explicit professional ethic. FM 22-100 (1990) refers to FM 100-1 (presumably the 1981 release), *The Army*, as the source of "the doctrinal statement of the professional Army ethic."⁷⁰ FM 22-100 (1990) goes further, by defining the "Four Elements of The Professional Army Ethics": loyalty, duty, selfless service and integrity.⁷¹ These Four Elements are the obvious precursor to today's seven Army Values. This edition of FM 22-100 continues with "Ethical Responsibilities" including "Be a Role Model, Develop Your Subordinates Ethically, and Avoid Creating Ethical Dilemmas for Your Subordinates." Finally, FM 22-100 (1990) includes an Ethical Decision-making Process to assist leaders in dealing with complex dilemmas.⁷² Although only six pages long, it provides the most coherent description of a U.S. military ethic in recent doctrine.⁷³

FM 22-100 *Army Leadership: Be, Know, Do* was updated and released in August 1999 and included today's seven Army Values (covered in greater detail later).⁷⁴ One reviewer, Major Jonathan Smidt, suggested that the 1999 release was an improvement on 1990's "loosely connected principles, factors, ethics, competencies and styles." Smidt noted that the Army Values "capture the professional military ethos, an ethos that was implied but not codified."⁷⁵ Similarly, the warrior ethos is described in narrative

form, but it is not codified in the 1999 edition.⁷⁶ This manual pays more attention to the idea of character than its predecessor, but its multiple references to ethics are somewhat disjointed and dispersed throughout the manual. In 2002, Army War College students Lieutenant Colonels Mark Patterson and Janet Phipps found the doctrine ethically insufficient, "leav[ing] the readers unsure about how ethics fits into leadership."⁷⁷ The August 1999 edition does not provide the same level of emphasis that the 1990 version did. Tellingly, one article said that the new release of the manual was in no way related to high-profile problems of sexual misconduct in the 1990s such as the incident at Aberdeen Proving Grounds.⁷⁸ To be sure, this was not the case. Unfortunately, the amount of emphasis the Army places on ethics has habitually coincided with moral crises.

The current edition of *Army Leadership: Competent, Confident, and Agile* (FM 6-22) describes the Army Values in detail, and it codifies the Soldier's Creed and Warrior Ethos.⁷⁹ The manual places renewed emphasis on character and ethics, with some exposition on ethical reasoning and ethical orders, but like its predecessors, it fails to state an explicit code of ethics.

The other manual which routinely refers to the professional military ethos and the *raison d'être* of the United States Army is appropriately titled *The Army* (initially known as FM 100-1). In 1984, Army War College student, Lieutenant Colonel Hugh Kelley analyzed the ethic provided in the 1981 edition of *The Army* (FM 100-1) and found it "omissive and too general for the inexperienced soldier."⁸⁰ Kelley created a new, comprehensive, detailed Army Ethic. His proposal was appropriate but apparently found no traction in the organization as a whole.

The Army published FM 100-1 editions in 1978, 1981, 1986, 1992, and 1994. The 2001 edition was renumbered FM 1. Most recently, the Army released the 2005 edition—reviewed in the next section of this study. These multiple generations of documents created some confusion. In 1996, another Army War College student, Lieutenant Colonel James Schroeder, evaluated the materials—specifically FM 100-1, from 1978 to 1996—and found each generation substantially changed. Schroeder suggested that the change in individual values and Army Ethic resulted in "soldiers who do not know what the Army ethic is."⁸¹ He confirmed this notion by surveying his War College classmates, only 27 percent of whom correctly identified the explicit Ethic of the time (duty, integrity, and selfless service).⁸²

In summary, the Army has frequently addressed issues in the moral/ethical domain, most often implicitly. Colonel Matthew Moten, Professor of Military History at the United States Military Academy (USMA), notes "it is hard to get one's arms around it."⁸³ The Army has even used the 'proper noun', "Army Ethic," in reference to a four word construct which preceded the Army Values. Historically, the Army has used these field manuals, *The Army* and *Army Leadership*, as the primary means of distribution for moral/ethical ideas. These manuals require supplementing to deliver an explicit Army Ethic. As Schroeder stated, the challenge will be to create a lasting code which can remain unchanged and thereby bond generations of soldiers in a shared ethic.

Ethics in the Current U.S. Army Environment

Culture. Culture plays a significant role in the success of any organizational endeavor. Louis Gerstner, a former IBM CEO, noted, "culture isn't just one aspect of the game—it is the game." He also suggested, "successful institutions almost always develop strong cultures that reinforce those elements that make the institution great."⁸⁴

When culture undermines institutional integrity, Gerstner continues, "management invites the workforce itself to change the culture."⁸⁵

Within the Army, senior leaders are responsible for providing vision, shaping the culture and leading change. In particular, these leaders communicate stated values and the strategic vision throughout the organization and ensure members internalize them.⁸⁶ For example, on December 8, 2008, President-elect Obama signalled a bellwether change in vision and moral/ethical culture when he broke from his predecessor and announced he would rescind the use of enhanced interrogation techniques, despite the best efforts of the Central Intelligence Agency to maintain them.⁸⁷ Army leaders could learn from that example and place similar emphasis on re-laying the Army's moral and ethical foundations.

Artifacts. In the inaugural issue of the *Professional Military Ethic Monograph Series*, then Chief of Staff of the Army, General George Casey spoke glowingly of an Army ethic. He stated unequivocally, "Our ethic is as old as the Army itself. Forged throughout our history, it remains relevant—even indispensable—in today's era of persistent conflict."⁸⁸ However, General Casey did not state what this Ethic is, nor is it possible to find any explicit description of this Ethic in Army doctrine.⁸⁹

Either the Army's current doctrinal materials do not say enough on the matter of moral/ethical issues or they provide confusing mixed signals.⁹⁰ Lieutenant Colonel Celestino Perez notes that "the Army's institutional approach to ethics hinges on lists and models."⁹¹ The following are among the most prominent products: *The Army*, Oaths of Office, the Joint Ethics Regulation, the Code of Conduct, the Soldier's Creed/Warrior Ethos, the Army Values, and the Soldiers Rules. Unfortunately, these many items often

confuse or poorly define an implied ethic. Another Army Profession campaign product, the *Army: Profession of Arms* pamphlet, validates the importance of an Army Ethic, but admits such an ethic "has not been fully codified."⁹² The pamphlet further highlights this proliferation of disparate ideas; filling much of eight pages with competing and overlapping artifacts.⁹³

The most recent 2005 edition of *The Army* (FM 1) places the Army in historical context, describes the Army as a profession, and sets forth a mission and vision for the organization.⁹⁴ In doing so, the manual emphasizes three ethical tools—the Army Values, the Soldier's Creed, and the Creed's embedded Warrior Ethos. There is value in referencing these additional artifacts, but as individual learning tools, they require nesting within an overarching institutional ethic. The following quote from the manual reveals its inadequacy as an ethical guide, "The profession holds common standards and a code of ethics derived from common moral obligations undertaken in its members' oaths of office."⁹⁵ Although the officer and enlisted oaths do describe obligations, these obligations relate to service and loyalty to the President, the Constitution or other officers. No moral/ethical prescription in the Oaths of Office exists beyond the charge to "well and faithfully discharge [their] duties."⁹⁶ Clearly, blind obedience to military authority is a poor substitute for a real professional ethic.

The Army does reference various other sources such as the Constitution, the Declaration of Independence, the Law of Land Warfare, Uniform Code of Military Justice, and the Code of Conduct.⁹⁷ However, adding more reference material without distilling this material into a coherent ethic only muddies the issue.

The Joint Ethics Regulation (JER) actually does supply laborious details on proper standards of ethical conduct. Shockingly, the JER stands as the only doctrinal document with an explicit "Code of Ethics for Government Service."⁹⁸ It also provides a list of ethical values, and describes a means of ethical decision-making.⁹⁹ Despite these strengths, the JER fails as a document that can help service members conduct themselves well in combat. Key topics in the JER range from fraud to political activity to conflicts of interest. Rules regarding such ordinary subjects are best suited for bureaucracies or businesses at home, not for small units in wars abroad.

The Code of Conduct is a by-product of the Korean War, during which many captive U.S. soldiers made statements against the U.S. government.¹⁰⁰ The first and last articles of the Code speak well to unlimited liability ("I am prepared to give my life in their defense") and the clients' expectation ("...an American, fighting for freedom"). Unfortunately, the remaining four articles exclusively focus on conduct as a prisoner of war. The Code of Conduct is incompletely titled, sufficient for its explicit purpose but insufficient as a singular code of conduct in situations outside of the prisoner-of-war context.

Air Force Captain Michael Kearns, a Master Instructor for the military's Survival, Evasion, Resistance and Escape (SERE) program, also points out that the code without training is insufficient.¹⁰¹ Additionally, he notes that when society binds a service member to a code it incurs an obligation to that service member.¹⁰² Should there be a *quid pro quo* "covenant" between service members and the society they serve?¹⁰³ Perhaps a contractual element in an Army Ethic would build understanding and

agreement between soldiers and the American public. The notion of an overarching Code of Conduct, applicable in any circumstance, bears further consideration.

Within its thirteen lines, the Soldier's Creed includes the four lines of the Warrior Ethos. According to doctrine, this artifact captures "the essence of what it means to be a soldier."¹⁰⁴ In combination, the Creed and Ethos speak to service to the nation, teamwork, expertise, and professionalism, but the Creed makes few statements about moral/ethical conduct. The Army authored the Soldier's Creed/Warrior Ethos to create and reinvigorate an "every soldier is an infantryman" ideal.¹⁰⁵ Unfortunately, the Creed over-emphasizes Cold War era kinetic battle and is ill suited, perhaps even counter-productive, to the current operational environment.¹⁰⁶

The Army Values, another individual-level artifact, also offers some utility. The Army Values take the form of an acronym, LDRSHIP, referring to the values loyalty, duty, respect, selfless service, honor, integrity, and personal courage.¹⁰⁷ These ideals have short form descriptions, usually found on wallet cards and ID tags, and longer expositions, including sections 4-5 – 4-41 in *Army Leadership* (FM 6-22).¹⁰⁸ The short form descriptions are perhaps too cryptic to be useful and the longer expositions are confusing and overlapping.¹⁰⁹ The forced acronym (for example H= Honor, is further described, in circular reference, as "Live up to all the Army Values") offers an unappealing and redundant construct.¹¹⁰ Patterson and Phipps correctly claim, "The Army Values are too general and do not provide soldiers with the framework for making tough decisions."¹¹¹ Furthermore, the stories and examples of FM 6-22 focus exclusively on soldier-to-soldier interactions.¹¹² With the exception of a brief vignette regarding My Lai, the manual provides no examples of soldiers interacting with non-combatants,

which is a critical shortcoming, considering the nature of the last ten years of America's conflict.¹¹³

The current issue of FM 6-22, *Army Leadership*, offers no mention of ethics in its description of the Army Values paradigm. FM 6-22 provides a compelling section about character and ethics, which refers back to the Army Values, but the Army Values do not reference morality or ethics themselves.¹¹⁴ Ultimately, the Army must nest the individually focused Army Values within a higher institutionally focused ethical framework if we hope to create a consistent moral/ethical foundation for Army implementation.

Finally, the Abu Ghraib incident compelled the development of the Soldier's Rules in 2007-2008.¹¹⁵ As such, they are the most up-to-date and best formulation of simplified rules for conduct with respect to enemy combatants and non-combatants. *The Soldier's Blue Book*, published for all soldiers beginning Initial Entry Training (IET), includes the Soldier Rules. This material, along with the Soldiers Creed, Army Values, and other ethical paradigms are among the many tools new soldiers learn during basic training.

Training. Dick Couch, a retired Navy Captain and author of *The Tactical Ethic*, states that Army basic training spends "somewhere between thirty-five and forty-five hours on formal" Army core values training.¹¹⁶ Prior to the Global War on Terror, specialists like Judge Advocate Generals (JAG) or Chaplains often led this training. However, high operational tempo and lack of personnel at basic training sites has forced drill sergeants to perform nearly all of this training.¹¹⁷ In the absence of JAGs and

Chaplains, commanders would be a better, more authoritative choice to provide this kind of training.

One key block of IET training that focuses on Operational Law deserves evaluation. This block of instruction covers many of the standard precepts of the Law of Land Warfare, Geneva and Hague Conventions and Detainee Operations. A three-hour-and-thirty-five minute block, it also covers Rules of Engagement and the Code of Conduct.¹¹⁸ Some unstructured discussions and practical exercises offer the opportunity for class participation and checks on learning. Interestingly, the Training Support Package for this block conveys the Soldier's Rules in different language than the version of the Rules in the Soldier Blue Book and other Army documents. This discrepancy could create confusion amongst new soldiers. Otherwise, the training appears adequate, but highly dependent on each instructor's knowledge, teaching proficiency, and degree of authority.

Once soldiers reach their follow-on units they receive little in the way of moral/ethical training beyond a small block of annual training on the Army Values and, if they are to deploy, short blocks of instruction on the Law of Land Warfare and Rules of Engagement. Considering the paramount importance today of ethical conduct in the current war, this shortfall should set off alarms.

Limited Progress. Recent Army-wide efforts provide encouraging signs of progress in the area of training. The Center for the Army Profession and Ethic (CAPE), founded in November 2007, now acts as the proponent on matters related to the profession and military ethics. CAPE also leads the aforementioned effort for the Army-wide Army Profession Campaign.

One result of the campaign, a recent Army White Paper titled *The Profession of Arms*, uses a methodology cribbed from British doctrine to begin resolving the cognitive dissonance between the Army's moral and ethical domains.¹¹⁹ This non-doctrinal document describes the idea of an Army Ethic better than any current doctrinal guide does. However, the White Paper still falls short of creating a concise, digestible, explicit code of ethics, that would meet the needs of the Army community while gaining the support of the U.S. public. The Army Profession of Arms Campaign remains a work in progress, so time remains to continue building on these incremental successes.

Another useful product of this campaign is the Army Professional Military Ethic Framework (Figure 1).¹²⁰ Campaign team members created this two variable coordinate

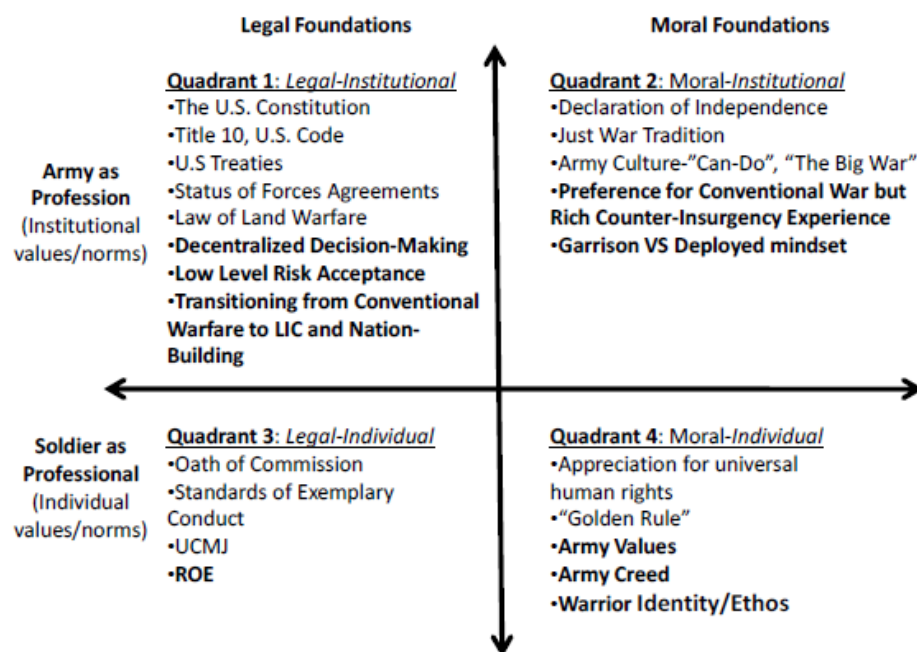


Figure 1. Army Professional Military Ethic Framework

system to highlight the tensions between the legalistic/moralistic and institutional/individual dimensions of an Army ethic. This diagram serves as a common "framework for [future] dialogue," and may be useful as work towards an Army ethic progresses.¹²¹ The doctrinal gaps in the framework highlight the need to develop the moralistic-institutional section of the quadrant.

CAPE also continues to develop curriculum and materials for Army Profession and Ethic Trainers (APET) and Master Army Profession and Ethic Trainers (MAPET).¹²² Additionally, the CAPE is producing training products designed to increase awareness of moral/ethical issues in the force. One novel example is a "first person shooter"-style computer game, titled *Moral Combat*, which places soldiers into ethically challenging situations. The game perhaps succeeds in superseding "traditional, case-study [and lecture] based instruction" with a more exciting and experiential learning format.¹²³ Unfortunately, while the CAPE generates plenty of thought-provoking material, it remains a somewhat small and tertiary effort for the Army.

Another encouraging sign is the creation and installation of the first ethics chair position at the Command and General Staff College (CGSC) in Fort Leavenworth, Kansas. Retired Colonel Dr. John Mark Mattox, a specialist in just war theory, received this visiting professorship at the beginning of the CGSC Third Annual Ethics Symposium in November 2011.¹²⁴ Every level of professional military education should include at least this much emphasis on education and training in moral and ethical issues.

The rise of CAPE, the CGSC chair selection, and the creation of the symposium are all small but favorable signs that moral/ethical issues are rising in importance.

However, without additional strategic emphasis, the CAPE and CGSC efforts will have little impact on the rest of the Army.

A Failure of Vision. A number of authors (including some who work at CAPE) argue that a strong moral/ethical tension exists within the Army institution at war today. This tension results, these authors believe, from an Army that wants to wage conventional war but is stuck in counter-insurgency conflicts fraught with moral/ethical danger because of the proximity of soldiers to civilians.¹²⁵ As ethicist Dieter Baumann states, "a simplified warrior ethos is no longer enough to cover the demands of today's battlefields."¹²⁶ Therefore, these authors argue, any future Army ethic must be applicable to the full spectrum of operations. These authors are almost certainly right. Unfortunately, the Army's "future" documents appear no more focused on ethical matters than past documents.

In 2009, the Army completed the Army Capstone Concept, a significant futuring exercise designed to determine capabilities the Army will need in the "era of persistent conflict"—specifically the years 2016–2028. TRADOC Pam 525-3-0 summarizes the exercise.¹²⁷ Tragically, the pamphlet makes almost no comment on the importance of morality and ethics. Strategic Studies Institute researcher, Dr. Don Snider noted that the Capstone Concept is "essentially amoral."¹²⁸ The concept lacks any uniquely American quality; it might apply to any nation. Snider called for an amendment to correct these deficiencies, but no such change occurred.¹²⁹

Joint future documents share the same essential amorality. The Capstone Concept for Joint Operations, authored by the Chairman of the Joint Chiefs of Staff office, also envisions a future force for the years 2016-2028. The Capstone Concept

Joint Operations offers many recommendations to improve the force for future conflicts, but none of these recommendations target the morality or ethics of the force.¹³⁰ For example, the authors suggest a need to provide leaders with "training and education that facilitates flexible and creative problem solving," but they fail to say that this problem-solving should meet moral/ethical expectations.¹³¹

Likewise, the National Military Strategy (NMS) of 2011 makes no mention of moral/ethical behavior, other than a reference to our nation's "respecting universal values," and conducting wars "in a precise and principled manner."¹³² The NMS also stipulates that servicemembers must "reinforce U.S. values, maintain the trust and confidence of...the public, provide frank and professional military advice, remain good stewards and vigorously execute lawful orders."¹³³

The Army and Joint Capstone Concepts and the National Military Strategy all missed an opportunity. The guidance these documents intend to provide does not align with the needs of the force in the critical realm of moral/ethical action. These military futuring documents place little to no emphasis on the important human dimension of conflict, even as the stories of lapses in Iraq and Afghanistan continue to make headlines and subvert the objectives of U.S. national strategy.

Review of Partner Military Ethics

In Dr. Snider's rebuke of the Army Capstone Concept he noted that British moral/ethical doctrine surpasses our own.¹³⁴ Indeed, many international allies explore and document their institutional ethics in far greater depth than the United States Army. This section provides a comparative analysis of the ethical guidance provided by five professional armies: Canada, Great Britain, Australia, New Zealand and Israel. I have limited my investigation to those nations first for the simplicity of avoiding translation

difficulties and second because these are allies and partners with whom, in many ways, the United States shares values and moral approaches to warfare.¹³⁵

At least some of these nations' investigations and emphasis on morality and ethics appear driven by their own moral lapses. For instance, the Canadian Army's leadership disbanded the Canadian Airborne Regiment and made strong efforts to prevent any future atrocities after learning that their soldiers had tortured and murdered a Somali teen in 1992.¹³⁶ Similarly, the British Army engaged in war crimes and torture around Basra, Iraq in 2003, including non-combatant beatings and the drowning of a teen.¹³⁷ One defendant in that case claimed—in violation of the lessons learned at Nuremberg—"We were told to put looters in the canal. I was the lowest rank and we were told we weren't paid to think. Just follow orders. I don't know why the army went ahead with the prosecution.... We were scapegoats."¹³⁸ The tragedies highlight the problems every military encounters in war; however, these nations have each reacted in a manner befitting an organization committed to learning and to preventing of future errors. Their efforts are worthy of further study.

Canada seems committed to ethical performance on and away from the battlefield. The Canadian Defence Forces (CDF) has a robust web presence dedicated to educating the force on ethical issues within the Defence Ethics Programme.¹³⁹ Their organizational chart demonstrates the emphasis placed on ethics, with members of the highest levels of the organization as Ethics Advisory Board members.¹⁴⁰ The website also presents training materials, tools, surveys, rules for ethical decision-making and a bibliography. A frequently updated "What Would You Do?" section offers interesting case studies and scenarios for discussion.¹⁴¹

Canada also has a robust academic research program as demonstrated by a series of military ethics books released by the Canadian Defence Academy Press.¹⁴² These texts focus predominately on professionalism, leadership and ethics. Among those books are two multi-national anthologies describing the profession and ethics; *Professional Ideology & Development: International Perspectives* and *Military Ethics* respectively.¹⁴³ Both are excellent resources. Finally, Dr. Richard Gabriel's *The Warrior's Way: A Treatise on Military Ethics*, also published by the Canadian Defence Academy Press, is a summation of the Canadians' Strategic Leadership Writing Project and a superior and timely addition to the body of knowledge in military ethics.

Finally, the CDF researched, created, and promulgated a simple and consistent military ethos. The CDF describe their ethos in terms of its purpose; the Canadian national values; and military beliefs, expectations and values.¹⁴⁴ Their ethos is remarkable in both its scope and conciseness. The CDF summarize their ethos and its means of implementation in Figure 2.

Canadian Army Forces train this Ethos in a pyramid construct of "ethical awareness, ethical decision-making, obligation to act, and ethical leadership."¹⁴⁵ In addition, the Army's Lamplighter program and the use of Unit Ethics Coordinators afford military service members the opportunity to "cast a light" and highlight discrepancies in ethical behavior. The Lamplighter program supplies a reporting system to foster non-toleration of immoral and unethical behavior. The use of Diogenes—a Greek philosopher who was searching for an honest man with a lantern by the light of day—as their symbolic lamplighter figure also demonstrates the need to offer a philosophical background and avoid dumbing down material for the military audience.¹⁴⁶

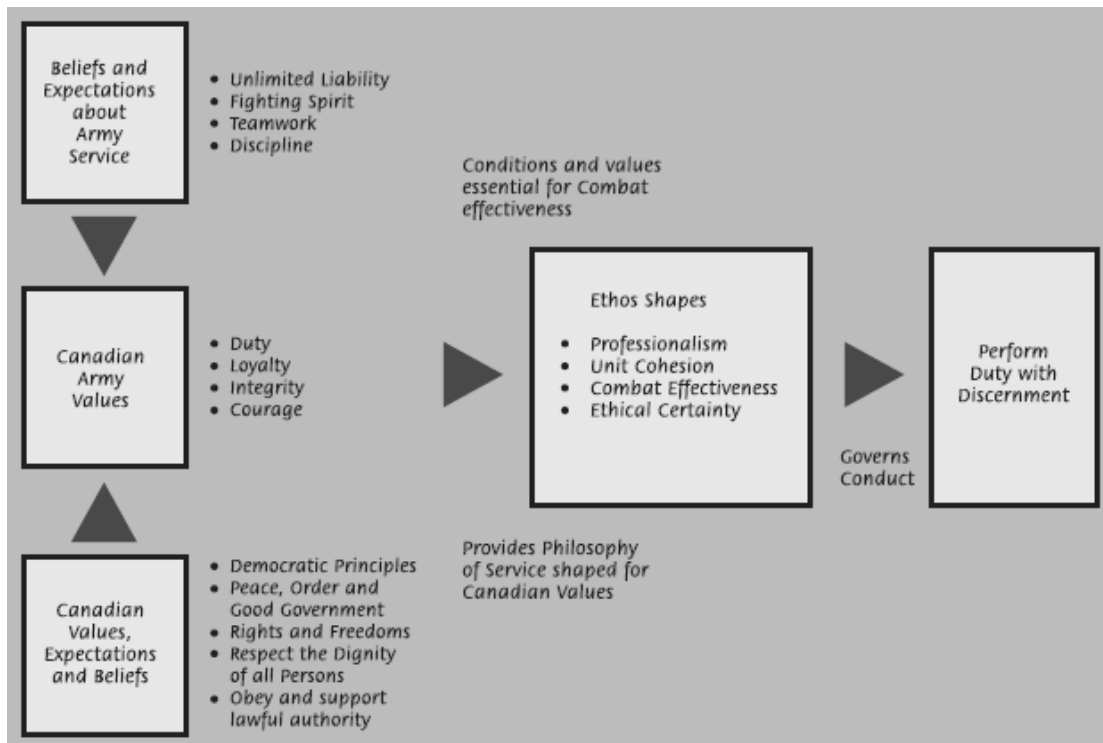


Figure 2. The Canadian Defence Forces Military Ethos.¹⁴⁷

Overall, the CDF ethical work and descriptive ethos should be an exemplar for the construction of a United States Army peer product. The CDF prioritized the moral component of warfare and created a system of implementation in support of their goals.

Great Britain—specifically the British Army—does not have the web presence that Canada does with respect to moral/ethical issues and materials. However, they do a superior job of nesting their values and standards beneath a moral justification for war and the employment of land combat forces. Indeed the *Army Doctrine Publication Land Operations* (AC 71819) divides "Fighting Power" into three components; conceptual, physical and moral.¹⁴⁸ AC 71819 dedicates 12 pages to the description of the moral component of fighting power as it relates to the British Land Forces. This well written material, which encompasses ethics, motivation, and moral cohesion, should be adopted in some form by the U.S. Army in order to flesh out the upper right quadrant of

the Army Professional Military Ethic Framework (Figure 1). In the U.S. context, this institutional aspect would lie between the national values and the Army individual artifacts.

The British Army also describes its *Values and Standards of the British Army* in a publication by that name.¹⁴⁹ The brief introduction summarizes some of the ideas fleshed out in AC 71819 regarding the moral use of fighting power. The document, however, is largely dedicated to describing the six British Army values, which are similar to the U.S. Army Values: Selfless Commitment, Courage, Discipline, Integrity, Loyalty, and Respect for Others. Authorities also expect soldier compliance with three standards— "Lawful, Appropriate Behaviour, and Total Professionalism." The *Values and Standards* document also stresses the importance of continual emphasis on these values and standards that "pervade all training activity, career development and leader focus—not just a short block of annual instruction."¹⁵⁰ Finally, the document calls for strict enforcement of the values and standards and provides a service test to determine whether a transgression constitutes misconduct.¹⁵¹ In general, this publication uses clear language to provide more guidance to British soldiers regarding their Army's core values and standards than is provided by any comparable American publication.

The final British doctrine of note is the idea of a Military Covenant. AC 71819 describes this notion, and the Ministry of Defence demonstrates that the British people are willing to make certain concessions in support of their British military.¹⁵² In exchange for service member loyalty and unlimited liability, the British people willingly agree to "value, respect, sustain and reward them and their families with appropriate terms and conditions of service."¹⁵³ The U.S. people may hold to the same ideals, but once again,

ours is an implied relationship, whereas the British example is explicit and codified. This idea, previously described by Kearns, deserves additional research and investigation.

Australia also has demonstrated a deep interest in formulating their ethical doctrinal material. Their internet presence exceeds Britain's, but does not rise to the level of Canada's. Nevertheless, the Australian Centre for Defence Leadership and Ethics, established in 2002, has a wealth of resources.¹⁵⁴ The website describes their research efforts, recommends reading materials, and provides information about ethics symposiums. For example, the 2009 Symposium on Ethical Leadership included presentations on both Canada's ethical failures in Somalia and Britain's failures in Basra. The symposium also included a case study review of the ethical lapses which resulted in the Royal Australian Navy's loss of nine sailors in an April 2005 helicopter crash, due to poor maintenance efforts.¹⁵⁵

Australia covers the gamut with their formal doctrine. Defense-level documents cover basic business ethics and are similar in nature to the United States' Joint Ethics Regulation.¹⁵⁶ The Defence Leadership Framework makes frequent mention of the need to "behave professionally and ethically," "demonstrate organisational values and codes of conduct," and "display high ethical and professional standards in all aspects of work."¹⁵⁷ Notably, this framework includes officers, enlisted soldiers, and civilians.

Additional Australian material is even more enlightening. The *Executive Series Leadership in the Australian Defence Force* (ADDP 00.6) manual describes the moral component of war in the same manner as the British doctrine, but the Australian construct substitutes the term "intellectual" for "conceptual" when referring to the three components of war.¹⁵⁸ Their guide also references Sun Tzu's concept of the "Tao" as

the critical moral component of war. The Australian authors believe that the moral component is the most important of the three, because military service should be a "force for good."¹⁵⁹ The authors also note that a leader's responsibility includes assisting others in moving from an early moral development stage to a "more internally controlled state."¹⁶⁰

While the Australian Army publishes some excellent material, the Navy products are genuinely novel and uniquely useful. The Australian Navy Ethic provides the best example for development and understanding of ethics and the notion of a military profession.¹⁶¹ While their booklet is nominally described as a Leadership Ethic, it is in fact a treatise on moral conduct in war. This gem of a guide meticulously describes in an ethically consistent manner key aspects of leadership. The authors address, in sequence, the issues of Conscience, Profession, Values, Followership, Command, and Power. They continue with relevant case studies and a section on Ethical Decision Making. The manual's Ethical Decision-Making Model includes three simple tests that service members can use when facing moral dilemmas.¹⁶² A "Key Points" page beautifully summarizes the booklet.¹⁶³ United States Army stalwarts will recognize that this manual uses the same "Be, Know, Do" model as the U.S. Army. The Australians also use a list of principles similar to the U.S. Army "Leadership Principles"—which we no longer use.

For simplicity, the creators of the Australian Navy Ethic subdivided three key sections into stand-alone two-page documents titled "Definition of Leadership," "Leadership and Followership," and "The Profession of Arms." In total, these Navy products are superior in content and detail to almost any other modern guides currently

in use. U.S. doctrine developers would benefit greatly from a detailed review of this Australian work.

The branches of the Australian Defence Forces promote slightly differing core values. The overarching Australian Defence Forces espouse the values of "honour, duty, selfless commitment, courage, discipline, and loyalty."¹⁶⁴ The Australian Army advocates "courage, initiative, and teamwork," while the Australian Navy espouses the values of "honour, integrity, courage, honesty, and loyalty."¹⁶⁵ The Australian Air Force uses a different construct; they describe their values as what "the Air Force stands for, what they aim to accomplish, and what they expect of their people."¹⁶⁶

New Zealand's doctrinal material relies heavily on Australian and, to a lesser extent, British documents. Given its colonial heritage, proximity, and close working relationship with the others, this comes as no surprise. *Foundations of New Zealand Military Doctrine* (NZDDP–D), the baseline document for New Zealand Forces (Kiwis), briefly describes a Warfighting Ethos.¹⁶⁷ The Kiwis also break "Fighting Power" into the same three components (conceptual, physical, and moral) as their British brethren.¹⁶⁸ When defining these components, the Kiwis clearly state their national interests and military needs. The New Zealand and British documents vary only in fine delineations.

The only area of substantial difference is values. The New Zealand Defence Ministry and Army shared values are Courage, Comradeship, Commitment and Integrity. The New Zealand Navy replicates the list but excludes Integrity. The New Zealand Air Force diverges, relying upon their own construction of Service and Allegiance, Professionalism, Integrity, Teamwork, and Traditions and History, and Discipline.¹⁶⁹ One author notes that New Zealand's efforts to develop *Ethos and Values*

started in 1995 and continues today.¹⁷⁰ The New Zealand work is not substantially different from Canada's and Great Britain's, but it does provide another useful data point for construction of a United States Army Ethic.

The Israeli Defense Force (IDF) takes a minimalist approach to its doctrine.¹⁷¹ Their single doctrine webpage includes an IDF Mission statement, an Ethics sub-section, and a Main Doctrine sub-section. Within the Ethics sub-section, the authors create additional sections called "The IDF Spirit," "Spirit of the IDF—Definition and Origins," "Basic Values," and "The Values."¹⁷² "The IDF Spirit" is a role statement referencing subordination to the state, while the "Spirit of the IDF" depicts traditions and sources of IDF strength. The Basic Values of the IDF are "Defense of the State, its Citizens and its Residents, Love of the Homeland and Loyalty to the Country, and Human Dignity." The Values of the IDF are listed as "Tenacity of Purpose in Performing Missions and Drive to Victory, Responsibility, Credibility, Personal Example, Human Life, Purity of Arms, Professionalism, Discipline, Comradeship, and Sense of Mission."¹⁷³

Overall, the IDF description of their national and military objectives and values is concise and complete. They present the material in a manner similar to the simplified construct of the Canadian Defence Forces. Despite some confusion in how the sub-sections relate to one another as well as some redundancy in terminology, clearly much effort went into this elegant exposition of core values.¹⁷⁴

Reviewing these partner nations' materials is enlightening. Each nation has made a solid effort to construct ethical guidelines for their servicemembers. Many use the three-component model to describe the significance of land combat in service to the

nation. Those who do use this three-component model stress the importance of the moral component, recognizing that warfare is, at its heart, a human endeavor. All discuss the importance of the individuals' unlimited liability, and the institutional subordination of the military to the state. Most properly nest their military values beneath their national interests and values. All espouse important values, and many share similar values. Great Britain, Canada, and New Zealand share their material among themselves and capitalize on American references as well. The U.S. military would be wise to follow their example.

In-depth study beyond this brief review of literature would be valuable. The U.S. Army should benchmark materials created by Canada, Great Britain, Australia, New Zealand, and Israel and incorporate a similar developmental mindset and pedagogy. CAPE is the right proponent to lead this effort, but the Army's strategic leadership must also better champion and resource the work.

Philosophical Underpinnings of a U.S. Army Ethic

As mentioned previously, U.S. Army trainees receive a single 3.5-hour Operational Law class. During this class, only one of the ninety slides covers "Why Do You Need to Follow the Law of Warfare?" The reasons cited are "maintaining discipline, sustaining public support, facilitating an early end to hostilities, upholding reciprocity, doing the right thing, avoiding legal and international consequences, and averting the condemnation that comes with a crime or violation."¹⁷⁵ Unfortunately, the classroom training support package provides little further detail beyond these eight bullets. The Operational Law training package exemplifies the problem as a whole. Instructors often teach the *what* of proper battlefield conduct, but not the *why*. Soldiers must understand *why* it is a bad idea to maltreat enemies and noncombatants. In order to do so, they

need to have at least a basic understanding of the philosophical underpinnings of the right and wrong of combat.

Philosophy. Soldiers need not receive a semester's worth of philosophy, but they should receive some basic formulations. Two main philosophical approaches for this education are worth considering, the outcome-based (teleological), and the act-based (deontological) approaches.

Outcome-based theories are "those which consider only the consequences of alternative actions in determining whether those actions are morally right or wrong."¹⁷⁶ Because this approach measures the consequences or the utility of certain choices, ethicists often call this consequentialism or utilitarianism. In simplified terms, utilitarianism holds that moral rules should remain unbroken, but when moral dilemmas arise, (two or more moral rules are in direct conflict) one should select the action which produces the "greatest happiness to the greatest number of people" or the consequence which avoids the greatest harm.¹⁷⁷

One of the problems with the utilitarian approach is that the question must be asked, "Greatest happiness or least harm exactly to whom?" A soldier in combat can easily take the stance that his happiness (or safety) is significantly more important than a non-combatant's happiness (or safety). When people take utilitarianism to the extreme, the ends will likely justify any means.¹⁷⁸

Another key problem with utilitarianism is that it often relies upon false dichotomies. A person may perceive an either/or choice when a spectrum of options may actually exist. In television's *24* action-drama, the fictitious Jack Bauer was frequently presented with a consequential moral dilemma in which he was "forced" to

torture an enemy agent to prevent a mass casualty event—the classic "ticking time bomb" scenario.¹⁷⁹ The Bush administration employed just such scenarios to help justify the employment of enhanced interrogation techniques.¹⁸⁰

Alternately, we could apply the act-based or principle-based theories. These deontological theories presume that "certain principles are worth upholding, because of their inherent merit and regardless of their outcome."¹⁸¹ This notion suggests that there are absolutes of right and wrong and people should strive to do that which is right.

Using this notion of absolutes, Immanuel Kant formulated the best known of the act based theories known as Kantian absolutism. This theory argues that one should choose an action, not because it serves any best consequence or one's rational self-interest, but because it is morally the "right" thing to do.¹⁸² This theory describes a powerful sense of duty. Indeed, because this adherence to the absolutist ideal supercedes rational self-interest, service members accept their higher duty to the state even at the risk of their lives. We call this "unlimited liability."

At the heart of Kantian absolutism is the categorical imperative. Kant created numerous variations of this imperative, but the most relevant to this study are the "universal law" and "respect for persons" rules. The "universal law" imperative demands that one should "act on that maxim through which you can at the same time will that it should become a universal law."¹⁸³ This suggests a restatement of the "Golden Rule," which holds that one should "do unto others as you would have them do unto you."¹⁸⁴ If everyone is acting in accordance with this ideal, no one should be harming others. The "respect for persons" imperative demands that one should "act in such a way that you always treat humanity never simply as a means but always at the same time as an

end."¹⁸⁵ Therefore, people should not use or manipulate others towards the achievement of an otherwise desired or permissible outcome. This ideal directly contradicts the Machiavellian method and also precludes the consequentialist formulation of measuring the needs of the many over the needs of the few or the one.

Historically, American ideals have often been absolutist ideals. The Declaration of Independence, with its reference to "inalienable rights," provides the most obvious example of such ideals.¹⁸⁶ Another more modern example is National Security Council Report 68 (NSC-68) which served as a guide to U.S. strategic foreign policy for the latter half of the 20th century. NSC-68 spoke directly to principle-based ethics:

The free society values the individual as an end in himself, requiring of him only that measure of self-discipline and self-restraint which make the rights of each individual compatible with the rights of every other individual. The freedom of the individual has as its counterpart, therefore, the negative responsibility of the individual not to exercise his freedom in ways inconsistent with the freedom of other individuals and the positive responsibility to make constructive use of his freedom in the building of a just society.¹⁸⁷

While the absolutist solution to a given ethical problem is normally clearer and less-debatable than the utilitarian solution—and this simplicity makes the entire approach appear more desirable at first look—neither act-based nor outcome-based formulations will work in every situation. As David Perry writes:

The strengths of the utilitarian theory lie in its consideration of the well-being of all sentient beings potentially affected by proposed actions and its goals of ameliorating suffering and enhancing happiness. The chief virtue of Kantian ethics is its respect for individual human autonomy, dignity, and worth. Unfortunately, utilitarianism often undermines justice and basic rights, while absolutism undercuts the significance of compassion.¹⁸⁸

Efforts to adhere to an absolute while attempting to fulfill utilitarian needs can result in some compelling, and worrisome mind games. Air Force Lieutenant Colonel Galipeau reiterated the ideas of Oren Gross, a law professor, who suggested that it was

possible to have an absolute ban on torture while allowing for the possibility of justification of using torture techniques in the extreme case of the "ticking time bomb" scenario. Gross noted that "resorting to torture may be defensible (pragmatic absolutism) and that government officials may find it necessary to violate that legal ban (official disobedience) in those instances."¹⁸⁹ Charitably, this is a tortured argument—pun fully intended. The notion of a "pragmatic absolutism" is, by definition, oxymoronic. The same could be said for the idea of "official disobedience."¹⁹⁰ Finally, the ticking time bomb scenario remains theoretical conjecture, a counter-factual that has no clear precedent in historical events. However, this is evidence of the moral quandary our military must face, and ultimately act upon.

Accounting for these inadequacies, the Army must still provide soldiers with the basic knowledge of these ethical theories, and teach them how to apply their logic. Soldiers would then be better equipped to understand what makes an action right or good, and how to avoid those actions that are wrong or bad. One moral quandary that also requires education and understanding, and which is in conflict with the absolutist ideal, is the moral justification for killing.

Moral Justification for Killing. Regardless of where one stands on the teaching of ethical theory to soldiers, it is truly appalling that they do not receive even rudimentary training on the moral justifications for their lawful actions in war. The fact that we avoid teaching moral justifications is not due to the complexity (and expense) of what must be taught. As Jennings and Hannah note, it is difficult "to make the preeminent military task—killing and dying—morally redeeming both for those who must undertake the task and the society they serve."¹⁹¹ However, we must make the effort, especially since

studies show a strong correlation between the infliction of death in combat and subsequent Post-Traumatic Stress Disorder.¹⁹²

Lieutenant Colonel Peter Kilner, an ethicist and West Point professor, does a superior job of describing the obligation to teach soldiers about killing and providing a simple rationale for killing.¹⁹³ Kilner states:

The Army should include the moral justification for killing in combat in training not only because it would enhance the Army's effectiveness but also because it is the right thing to do.... [Military leaders] devote their lives to preparing soldiers mentally, physically, and materially for the rigors of combat.... Unfortunately, they fail to prepare them morally, and in doing so, they fail [their soldiers]. They leave soldiers unprepared to deal with their post combat consciences and unprepared to make morally right decisions about who to kill in morally ambiguous circumstances.¹⁹⁴

Couch makes a strong case that the U.S. military should strive to return its servicemembers to society "better than when [they entered] battle. Implicit in [this mandate] is to bring them home having done nothing of which or which may cause psychological damage."¹⁹⁵ Indeed, it would be tragic if they "all came home physically well, but mentally broken, because they did something [with which they could not live]."¹⁹⁶

From a teleological viewpoint, self-care may be the most convincing moral justification for treating enemies and noncombatants well—to best pursue their own self-interest, soldiers should treat others well, because by doing so they avoid moral dissonance and preserve their conscience and psychological health. This approach may also provide the means to solving the following problem with the absolutist imperative of not inflicting "unnecessary" harm on others: this imperative cannot describe what battlefield behavior it actually condoned, only what might be condemned. This compromise may not be ideal, but it may very well be the most useful solution.

Philosophical Goals. In comparing the *desirable* with the *desired*, behavioralists Geert and Gert Hofstede suggested that "in the case of the *desirable*, the norm is absolute, pertaining to what is ethically right. In the case of the *desired*, the norm is statistical: it indicates the choice made by the majority."¹⁹⁷ The Army must strive for the desirable, and minimize the statistical. While the goal might be to achieve an absolutist ideal, there is merit in considering both the absolutist and utilitarian arguments.

According to Deremer, the goal of this education and training is:

The moral or ethical person [who] understands that there is a defensible notion of right and wrong, of truth and falsehood, and of fairness, justice and accountability. He also recognizes that these notions are not just proper for their own sake, but that they also work. They are in fact practical guides for living in community with others.¹⁹⁸

There are other notable, competing philosophical visions. For example, Gabriel notes that there is an ethics of duty, and an ethics of virtue.¹⁹⁹ Alternately, these ethics of duty and ethics of virtue have been described by CAPE authors Major Peter Jennings and Colonel Sean Hannah as the morals of obligation and morals of aspiration. Jennings and Hannah consider the morals of obligation a "moral floor" or a baseline expectation, while the moral of aspiration is a "moral ceiling."²⁰⁰ Perhaps the utilitarian notion is at or near the "floor" and the absolute ideal is at the "ceiling." Jennings and Hannah suggest that the floor must never descend, and, while the field between the floor and the ceiling can expand, the goal of a military ethic should be to elevate both the floor and the ceiling towards a level of "supererogatory behavior above and beyond the call of duty."²⁰¹ Whether or not this goal is the real ultimate goal of the U.S. military ethic—or even an achievable goal—remains debatable. In any case, any practical, sustainable Ethic must unify competing philosophical visions via a dialectic approach.²⁰²

Lawrence Kohlberg's moral stages of development allow for just such an approach. Kohlberg's model describes a progression of moral development largely dependent on physical maturation and experience. One developmental stage sets the conditions for subsequent stages, as charted here:

Level	Stage	Dominant Theme
1. Preconventional (Children, some adults)	1	Fear of punishment
	2	Opportunistic – "what's in it for me?"
2. Conventional (Most adults)	3	Good boy- nice girl – "will people think well of me?"
	4	Law and order – "can't break the rules."
3. Post-conventional (A few highly developed adults)	5	Social contract – "the greatest good for the greatest number. Laws should generally be followed, but there are exceptions."
	6	Universal ethical principles – a few basic principles always apply – life liberty, human rights, and respect for the dignity of man – irrespective of specific laws, rules or orders.

Table 1. Kohlberg's Stages of Moral Development²⁰³

The Kohlberg model allows for various forms of dialectic at different stages. Will a soldier do the right thing because of duty or obligation, or do it because of an aspiration or virtue? Will a soldier do something to avoid punishment, or is his motive based on the belief that the action is the right thing to do? Most likely, the answer will be some of both and vary in accordance to the soldier's level of moral maturity. Regardless of the level of individual moral development, the institution should always strive to guide soldiers along the path towards higher moral attainment.²⁰⁴ At a minimum, the Army must teach and train its soldiers to achieve Stage 4 of moral development, and military leaders and educators should be expected to attain Stage 5 if not Stage 6.

A few critics argue that any kind of ethical norming is impossible to achieve amongst soldiers. The Army draws recruits from the population at large, they argue, and

new recruits may not share the values of the organization upon entry. But the mere fact that the Army's recruiting pool is ethically varied and that ethical training is difficult does not mean that such training is unachievable. In any event, we must try. In an age in which the evidence of war crimes is luridly transmitted across the world at the speed of light, it is just as important that the institution develop soldiers morally as it is that it develops their skill with their assigned weapons.

While Kohlberg's model might serve to describe a soldier's stage of moral development, Benjamin Bloom's Taxonomy of Cognitive Outcomes could serve as a means of measuring that development. The Army uses Bloom's taxonomy at the upper educational levels (e.g. Command and General Staff College, War College) rather than at all educational levels. This taxonomy places learning into six stages of increasing difficulty and scope: knowledge, comprehension, application, analysis, synthesis, and evaluation. This table describes each learning level.

Level	Stage	Dominant Theme
Knowledge	1	Remembering previously learned material, facts, vocabulary, concepts, principles
Comprehension	2	Grasping the meaning of material
Application	3	Using abstractions, rules, principles, ideas and other information in concrete situations
Analysis	4	Breaking down material into its constituent elements or parts
Synthesis	5	Combining elements, pieces, or parts to form a whole or constitute a new pattern or structure.
Evaluation	6	Making judgments about the extent to which methods or materials satisfy extant criteria

Table 2. Bloom's Taxonomy of Cognitive Outcomes²⁰⁵

Most entry-level training focuses on tasks that require learning no greater than Stages 1 and 2. Soldiers understand *what* they are supposed to do, but may not learn *why*. This level of learning is clearly not sufficient for tasks involving moral reasoning skills. For the most rudimentary of such tasks, soldiers must achieve at least a Stage 3

of learning; reaching a Stage 6 would be most desirable. A graph of this relationship describes the minimum versus desired levels of understanding.

This combination of Bloom's Taxonomy and Kohlberg's stages of moral development offers both floor and ceiling guidelines for the ethical training of soldiers.

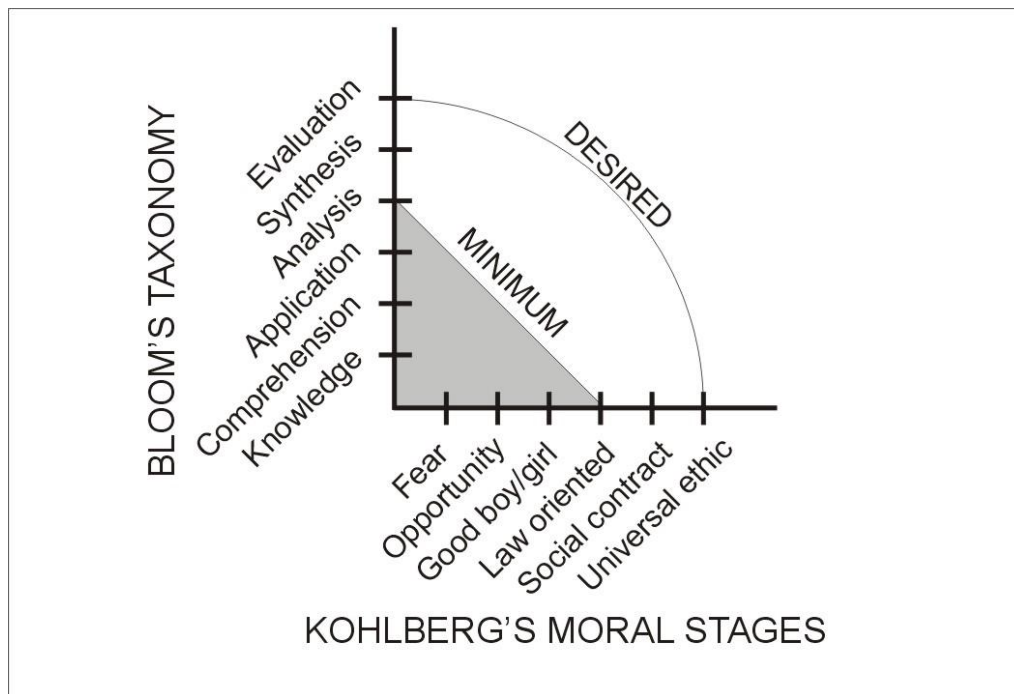


Figure 3. Bloom's Taxonomy and Kohlberg's Moral Stages.

Promulgation of a U.S. Army Ethic

Colonel and Chaplain John Brinsfield commented that old soldiers traditionally "bemoan the fact that new recruits do not seem to subscribe to the old values."²⁰⁶ The purpose of Combat Basic Training is in part to indoctrinate new recruits and train them on those values. But that training has proven insufficient. Cycles of emphasis are too often tied to cycles of crisis.

For example, in the review of the Vietnam My Lai massacre, investigating officer General William Peers identified nine factors which contributed to the war crimes there.

All of Peer's recommendations are worthy of review but the real interest lies in what the institutional military can do to prevent these events, with respect to ethics. Peers' recommendations regarding "Lack of proper training" and "Attitude toward the [combatants and non-combatants]" apply. Rielly argues that "lack of training in today's Army is not a problem because all units receive training on Law of War, safeguarding of non-combatants, and rules of engagement prior to deployment."²⁰⁷ This covers the legalistic side of the ethic framework (Figure 1) but neglects the moral side.²⁰⁸ Rielly also equivocates by saying that personnel and battlefield turbulence mitigate the training's usefulness over time and quality and quantity of the training must be sufficient.²⁰⁹ The counter argument would be that there is very little quality or quantity of training, and recent high profile examples like the 5/2 Stryker "kill teams" demonstrate that the training and/or attitudes towards our foes remain insufficient.

As War College instructor Stephen Gerras noted, most of the training—beyond the paltry schoolhouse introduction—regarding these kinds of war crimes is in direct "knee-jerk" reaction to recent examples.²¹⁰ The Army is notorious for forcing chain teaching on the organization which, more often than not, addresses the superficial symptoms of the most recent problem rather than the proximate cause.

The Joint Operating Environment (JOE) analysis for 2010 stressed that Professional Military Education was the critical key future opportunity. It listed a myriad of useful disciplines upon which servicemembers of the future will need to capitalize, among them "history, anthropology, economics, geopolitics, cultural studies, the 'hard' sciences, law, and strategic communication."²¹¹ But what of the knowledge of

philosophy, morality and ethics, so that they may apply that important knowledge in a moral/ethical manner? These topics receive no attention in the JOE analysis.

In 2002, War College students Patterson and Phipps executed a study, "Ethics: Re-directing the Army's Moral Compass," identifying the need to propagate better forms of ethical training within the service.²¹² They identified a number of shortfalls in the current programs of instruction, and they presented recommendations for an overhaul of the Professional Military Education system in order to fulfill that promise. Much of their commentary remains relevant and useable.

Nathaniel Fick, a former Marine and CEO of the Center for a New American Security, notes that the military must not separate ethical training from operational—it must embed the one within the other.²¹³ Couch offers a number of interesting methods of melding the two worlds of training, but the key issues remain the same; soldiers must learn the means to discern "what is right?" and "how do I choose?"²¹⁴ Soldiers will also benefit from understanding *why* a given action is right or wrong, even if the sole reason is that it does not fit within the profession's Ethic. Usually, there is a better answer than that, but relying on the ethic alone could and should suffice for those whose level of maturity is low.

The goal of promulgation is to ensure that the force understands the guidance and expectations, takes ownership, and can apply those lessons in a manner consistent with the Army expectation in accordance with Figure 3. In the future there can be no bifurcations between garrison and deployed, or school and field armies. Soldiers must employ the lessons learned at the schoolhouse while operating in garrison and the field.

Finally, there must be a wholesale effort to train as we fight. Couch offers some ideas to incorporate ethical training into operational training, but the more significant concept is that we cannot allow unethical behavior within our training environment.²¹⁵ For example, Lieutenant Colonel Douglas Pryer, a U.S. Army human intelligence officer, and the previously mentioned SERE instructor Michael Kearns, have both suggested that the benefits of the Survival, Evasion, Resistance, and Escape (SERE) course—which was reverse-engineered into the enhanced interrogation techniques utilized at Guantanamo Bay and elsewhere—come at too great a cost.²¹⁶ Specifically, trainers must reconsider the mock torture events at the school so that our military does not tacitly endorse the use of methods in the schoolhouse which one would find abhorrent outside it. Ultimately, the well-meaning tactics approved for training use on servicemembers at SERE migrated to Guantanamo, Iraq and Afghanistan and did great harm to the military institution.²¹⁷

The Army must promulgate, train, and explain an Army Ethic. However, an Ethic alone is insufficient without a means of self-policing.

The Importance of Peer-to-Peer Self-Governance

Even if the Army had a comprehensive Army Ethic, and the Army fully promulgated that Ethic and ensured every soldier in the ranks understood it, there would still be transgressions. Even if the Army established a best-in-class training program, which fully trained soldiers on the philosophy of ethical behavior to high levels of understanding and moral development, there would still be bad actors in the ranks. In *The Tactical Ethic*, Couch describes exactly this problem. He notes that soldiers and Marines inculcated at the basic training schoolhouse remain susceptible to the effects of

the moral pirates in their garrison organizations.²¹⁸ These charismatic but unethical people often subvert the "better angels of our nature" by their proximity and power.

The investigation into the 5-2 Stryker Brigade atrocities in Afghanistan's Maymund district cited "weak leaders, who [lacked] confidence, [and acted in a] self-serving manner, ... failed to enforce standards, and [were] not engaged in the platoon's daily activities" for the inability to police the platoon.²¹⁹ The chain of command failed, but what about the soldiers? Some platoon members disapproved. Early on, a few soldiers unsuccessfully tried to report wrongdoing, but some of them perpetrated similar crimes later.²²⁰ Why did none of the soldiers prevent the atrocities, or report them when it became clear they could not stop them?

An all-encompassing moral/ethical framework, and a self-policing force is required. Without those elements, one should not be surprised when indiscretions are overlooked. The elements of stewardship, self-policing, and a high spirit of non-toleration for behavior outside the accepted norms must exist if the organization is to move forward with its honor intact.

According to a recent Army Public Affairs video, "Stewardship [is] policing the profession every day to maintain its ethic." In the same video, Vice Chief of Staff Chiarelli adds, "That is absolutely the foundation of our profession; ethics, leadership, moral courage, a soldier that does right even when no one is looking." As the video continues, Lieutenant Peter Yorck offers, "Our trust, that we have established with the American people, is maintained through a moral ethical standard that has to be upheld, especially in combat."²²¹ Does the reality match the publicity?

The self-policing character of the organization is critical to the Army's status as a profession.²²² The institution would benefit from a code of ethics that capitalizes on this idea of self-policing; indeed this concept of self-governance could become a defining characteristic of not just the code but the institution as a whole. This would be similar to the Honor Code at the United States Military Academy (USMA). Its history sheds light on this topic and the efficacy of such a code.

USMA Honor Code Origins

The United States Military Academy Motto, "Duty, Honor, Country," reflects the great emphasis the institution places on personal honor. This emphasis is further reinforced by the USMA's famous Honor Code, "A Cadet will not lie, cheat or steal, or tolerate those who do," which is a defining characteristic of the academy.²²³

Lewis Sorley wrote *Honor Bright*, an excellent history of the West Point Honor Code and Honor System. Sorley describes five specific ideas that underpin the creation and propagation of the Honor Code. First, the Honor Code was always a work in progress, where "practices of implementation became established, and only later were those practices to be codified in officially written form."²²⁴ In many ways, the population of the Academy—cadets—created and codified the system themselves. On at least one occasion, in 1933, a cadet leader conceived, constructed, published, and promulgated a significant code document without the knowledge or approval of the faculty administration.²²⁵ Even more remarkable, given those outrageous circumstances, the cadet's clandestine effort survived.

Second, the code applies to all cadets from the moment they enter the system. The Academy recognizes that cadets come from many different backgrounds, just as the Army's soldiers come from different backgrounds.²²⁶ The organization recognizes

that though they are young adults, new cadets—like young basic trainees—are still young enough to learn a system and internalize a sense of honor.²²⁷ These new cadets receive training on the code and when there are missteps, the Honor enforcement committee takes into account a cadet's time and experience under the Honor System.²²⁸ However, the overarching theme holds that there exists only one standard; faculty and upperclass cadets expect new cadets to meet that standard from the day they receive their introduction to the system.

Third, cadets are guardians of the code, a system in effect every day of their cadet experience.²²⁹ Cadets have the opportunity to learn and grow within the system; they frequently experience the difficulties of ethical decision-making with regard to moral dilemmas. In short, they get practical experience when the stakes are lower so that they are better prepared later when lives may be on the line. Cadets construct, teach, administer, and enforce the code.

Fourth, the non-toleration clause, "or tolerate those who do," often presents the most difficult challenge for cadets. The Code compels cadets not just to maintain their personal honor, but to enforce it among peers and police the organization as a whole. There is a constant tension between loyalty to one another and loyalty to important principles greater than oneself. "In keeping with this impartial outlook, any cadet will report any other cadet, or even himself, for a violation of honor."²³⁰ Cadets seek not just to meet the letter of the code, but its spirit. Likewise, Sorley notes that professions demand high standards:

Every pursuit worthy of being considered a profession understands the necessity for its members to establish admirable standards of conduct...and to uphold those standards, both as individuals and

corporately. With such aspirations come obligations, very demanding ones.²³¹

The non-toleration clause is the demand on that aspiration; the clause remains "integral to the spirit of the Code and essential to its viability."²³²

The fifth and final lesson from the USMA Honor Code is simple; cadets who violate the code most often face separation. Honor committees normally recommend expulsion of cadets found guilty of an honor violation. There is little sympathy for misconduct. "It is no part of the function of West Point to become a reformatory of morals."²³³

Even though the USMA code is exemplary in many ways, it focuses too much on issues more suited to the academic environment than the field Army. Lieutenant Colonel (Retired) Peter Fromm, an ethicist and former USMA philosophy professor, argues that the code focuses too narrowly (only on lying, cheating, stealing; not, for instance, on cruelty) even for the environment for which it was intended.²³⁴ Sorley recognizes that the USMA code endures, "necessary but not sufficient in and of itself as a complete guide to an honorable life."²³⁵ Any simplified code faces this problem. Simplification conflicts with comprehensiveness.

Many argue that the code exemplifies the USMA experience, and the non-toleration clause differentiates the code from other academic codes. The USMA Honor System, Honor Code, and the non-toleration clause serve as valuable exemplars for the promulgation and enforcement of the Army Institutional Ethic.

The Importance of Non-toleration

Couch suggests that a "passionate intolerance" is necessary, that ignoring immoral conduct is a *de facto* moral abandonment, no different from a physical

abandonment of the soldier on the battlefield—and just as unpalatable.²³⁶ To implement such a "passionate intolerance" in the Army force at large, we need a variation of the USMA Honor Code with the merit and strength of its non-toleration clause.

Couch suggests ten rules for combat, which he playfully calls Battlefield ROE where ROE stands not for Rules of Engagement, but for Rules of Ethics. All are worth investigation, but the concluding Righteous Rule is the most powerful of the rules. Couch's Righteous Rule, like the USMA non-toleration clause, states that servicemembers who "deviate from the standards of moral conduct will be summarily removed from the unit"—reassigned in garrison, or sent home from the battlefield—in *shame* [his emphasis].²³⁷ Jennings and Hannah similarly note, "the morality of obligation is thus based on the potential condemnation from one's social group."²³⁸ Make no mistake; this is an extrinsic and absolutist response to an absolutist problem.

If an Army Ethic is to have teeth, it must have the backing of an organization vested in a spirit of non-toleration for actions that violate it. Soldiers must self-police and govern the Ethic. Such non-toleration demands efforts beyond chain-of-command enforcement. Non-toleration requires an omni-directional means of governance. Akin to the USMA Honor system, the Army Ethic system would not supplant regulations or the Uniform Code of Military Justice (UCMJ). Instead, the Army Ethic system must validate and support the UCMJ.

An Army Ethic would display one outward sign of the efforts of the organization to self-police, but an Ethic would require supportive enablers. Day-to-day rituals must assist in inculcation and remind the soldiers of their duty to honor. For this purpose, we may again look to the USMA Honor Code history and the idea of "all right."

"All right" was once used at USMA. The voicing of "all right" was a subordinate or peer cadet's response to a fellow cadet—usually during an inspection of sorts—that all was well and that the cadet being queried was operating in accordance with the Code of honor. The query "all right?" was usually answered with the respondent's statement "all right."²³⁹ If the respondent was in the wrong on some matter, the respondent could take the opportunity to correct the wrong, or admit to their failure, rather than provide a false response of "all right." To the outsider looking in, this seems foreign, but among the USMA Corps of Cadets, it became easily understood and routine.

The problem with the "all right" was that its use was often co-opted—by the Academy's administration—as a means of legalistically checking on adherence to regulations.²⁴⁰ Academy leadership finally deemed the constant tension generated by the "all right" tool—between self-policing honor and legalistic compliance with rules—unacceptable and abandoned the practice in the early 1990s. Our modern Army could use such an outward sign of compliance with the expectations of the proposed Army Ethic.

The renewal and installment of the phrase "all right" would not only be reflective of an organization honor-bound to an explicit Army Ethic, it would also represent a team working together toward a single goal. The dual meaning of the terminology "all right" would indicate not only adherence to the moral code, but a readiness to get the job done. This would fit well with the "can do/just do it" attitude, which has permeated the Army culture from the beginning. "All right" has the power to go "hooah" one better.

Some would greet this program with skepticism and cynicism, calling it an anachronism. However, just as many would relish the idea of working in an organization

with clear-cut and well-aligned ethical guidelines. USMA, under the Honor Code, continues as something of a utopia. People accept a cadet's word without question. Doors (up until around the year 2000) did not have locks, and all cadets enjoyed the benefits of working with like-minded, trustworthy people. The "all right" held enormous power at USMA; anyone could place a check on another's hubris or dishonesty with the simple question.

Envision a circumstance in which soldiers, angered by death and destruction on the battlefield and susceptible to immoral conduct, check themselves when one wise soldier asks the timely question, "all right?" It may appear Pollyannaish, but this worked in execution for many decades at USMA. As long as the use of "all right" is not abused, it could provide the outward daily symbol to remind soldiers of their code and honor, and provide some small check on improper behavior.

Ethical Decision-making

The Army Ethic proposed at the conclusion of this study is a code of ethics, a directive for honorable conduct as a member of the Army Profession. The Ethic intends to guide moral/ethical behavior. Nevertheless, it needs support in the form of ethical decision-making or assisting tools. Recall that an earlier version of *Military Leadership* (FM 22-100) included a model for ethical decision-making. However, that graphical model was still rather abstract. The Joint Ethics Regulation also provides an Ethical-Decision-Making Plan, but that plan is generic, and more akin to the Military-Decision-Making Process—requiring substantial time, energy, and information to move through the steps.²⁴¹

At USMA, cadets facilitate the Honor Code with three rules of thumb. Unlike the complicated model in the JER, cadets can easily memorize and quickly implement

these three rules. A cadet who is questioning his/her or another's decision uses the rules of thumb in order to evaluate whether the action is honorable or not:

Does this action attempt to deceive anyone or allow anyone to be deceived?

Does this action gain or allow the gain of privilege or advantage to which I or someone else would not otherwise be entitled?

Would I be satisfied by the outcome if I were on the receiving end of this action?²⁴²

However, the Cadet Honor Code is rather narrow in scope, dealing only with lying, cheating, stealing, and toleration of that behavior.²⁴³ There are many other threats to honorable conduct. The Air Force Academy uses an expanded rubric to assist their cadets in determining whether an action is honorable or not:

Is it clearly right or wrong?

Is it a situation that includes conflict between two or more moral values, principles, or rules?

Did I get all the facts and have I explored all possible courses of action?

Is my decision a selfish decision?

Would I go public with my decision?

How would others perceive my decision?

Did I apply ethical principles and values to my decision?

Am I treating others as I would want to be treated?²⁴⁴

The Air Force method is a useful means to educate the force about the new code of ethics and the means of implementation of that code. Any rubric or means will do but the soldiers deserve a rubric, test, or rule of thumb.²⁴⁵ This is the type of internal questioning required of a knowledgeable member of the Army Profession, endeavoring

to live by the code and rise to the upper levels of the Bloom's Taxonomy (synthesis and evaluation) and Kohlberg's model (stage 6, Universal Moral Principle).

The U.S. Army as a Learning Organization

In 2002, Patterson and Phipps recommended that the Army inaugurate an ethics instructor course.²⁴⁶ The good news is such a course now exists, although it likely does not garner sufficient attention. CAPE has established courses for Army Profession and Ethics Trainers (APET) and Master Army Profession and Ethics Trainers (MAPET). APET appears to be open to most soldiers; MAPET eligibility is restricted to Staff Sergeants, Chief Warrant Officer 2, or Captain and above. These trainees should be the banner carriers of a new code of ethics to the U.S. Army as a whole, serving an equivalent role to that of Canadian Lamplighters and Unit Ethics Coordinators.²⁴⁷

APET and MAPET graduates should greatly aid the establishment of a coherent, effective Army Ethic. However, to further the effectiveness of the Army Ethic means improving the Army as a learning organization. We can accomplish this by establishing Learning officers within the battalion and brigade structure. This major or senior captain would focus on the training of entry-level supervisors and serve as the chief adviser to the unit commander in the areas of learning, counseling, mentoring and moral/ethical development.²⁴⁸

This mid-grade officer position would equate to the medical Chief of Residents (or Attending Physician)—the Chief Learning Officer in a hospital teaching environment.²⁴⁹ In the medical profession, interns and residents get on-the-job training under the watchful eye of attending physicians. In this case, first line leaders *and* the Chief Learning Officer would supervise the development of lieutenants and junior non-commissioned officers (NCOs). The Chief Learning Officer would ensure fulfillment of

professional military education and ethical developmental gates as soldiers move from "aspiring professionals" to certified "acting professionals."²⁵⁰ The Chief Learning Officer would also act as the Lead Unit Ethics Coordinator. Soldiers would address matters of concern through the chain of command or the Ethics Coordinators, but ultimately the Ethics Coordinators would exist to supplement the chain of command, not supersede it.

The U.S. Army takes great pride in its reputation as a learning organization, but it is surprisingly bereft of the trappings of such an organization.²⁵¹ The creation of the Learning Officer position at various staff levels would advance the notion of an organization dedicated to learning from both successes and failures.

Articulating the U.S. Army Institutional Ethic

When speaking of disconnects within the 5-2 Stryker Brigade, Stjepan Mestrovic noted, "for a society to be functional, the beliefs and norms must have synchronicity."²⁵² Mestrovic could have been speaking of the organization as a whole. The Army's individual artifacts are not nested within an institutional ethic and synchronicity is lost. The framework (Figure 1) highlights the unfilled gap.

Therefore, the first content goal of the Army Ethic should be to bridge the gap and nest the existing individual artifacts within an institutional ideal. To cite national documents like the U.S. Constitution and Declaration of Independence, without providing interim guidance is insufficient. I have described how the formal elements of the U.S. ethic as currently promulgated are woefully deficient. I have also described how this new Ethic should comprise a dialectic between competing philosophical approaches. Dr. Snider suggests that such a narrative or code must answer the following significant questions:

National: What is the moral content of war and therefore of land combat power? What is land power's purpose? What *good* does it provide?

National: Why do we need land combat power? What uniquely American purpose should it serve?

National: How do Americans apply land power effectively while maintaining institutional integrity and staying true to our nation's regard for basic human rights?

Individual: How do we maintain unit and individual integrity? Just how violent should Americans become in war?²⁵³

British Lieutenant Colonel Bowyer notes that "codes of conduct define not simply how to fight but how to fight *our* [his emphasis] way."²⁵⁴ Ideally, the new narrative of the Army Ethic and code of conduct would address all soldier behavior—not just when captured. To avoid legalistic interpretation, I suggest that the code of conduct or ethics be presented as a normative statement of desirable principles.²⁵⁵ These principles would be open to some interpretation and judgment. This statement of the Army Professional Ethic would encapsulate and improve upon the Soldier's Rules and the Army Values. The statement must address behavior toward other soldiers and behavior directed at the enemy, non-combatants, and our civilian constituency. The statement would also replace or integrate many of the other various Army artifacts.

Administratively, the statement must operate in any environment—schoolhouse, garrison, field, and combat. The statement should take a "big tent" approach and address all members of the Army Profession—officers, enlisted, government service and contract employees and, where possible, retirees. Finally, and perhaps most dauntingly, this statement must be as short, simple, and understandable as possible.²⁵⁶

All members of the profession must understand the statement to Bloom's and Kohlberg's fourth levels. Ideally, members of the profession reach the sixth level of

these taxonomies. The statement would supply "moral direction—to know what is right—and inspire moral commitment—in order to motivate members to act in accordance with their knowledge."²⁵⁷

Recommendations

With this understanding of the historical background, review of partner ethics, philosophical underpinnings, and precedents of promulgation, ethical-decision-making and non-toleration, it is now possible to generate an Army Ethic which attempts to fulfill the needs of the Army Profession. These recommendations consist of The Army Ethic, and the means of promulgation and enforcement of that ethic.

The Army Ethic²⁵⁸

[Note: The following proposed Ethic is a compilation of multiple sources, many of which I have excerpted verbatim. Quotation marks have been omitted for the sake of simplicity and clarity. Endnotes will reflect verbatim quotes or excerpts. Any exception to this convention is clearly noted in the endnotes].

Article 1: Purpose. The purpose of the Army Ethic is to codify the moral and ethical context in which the United States Army defines its mission and derives its motivation. The Army Ethic [sets] the institution of the Army and its purpose in context—that of service to the larger institution of the nation, and fully responsive to the needs of the people.²⁵⁹

*Article 2: Membership.*²⁶⁰ The membership of the Army Profession, subject to this Ethic, consists of officers, enlisted soldiers, government service and contract employees and, to the extent possible, retired non-acting professionals. The Army Profession is comprised of soldier and civilian experts [skilled in] the ethical design, generation,

support and application of land combat power, serving under civilian authority, entrusted to defend the Constitution and the rights and interests of the American people.²⁶¹

*Article 3: Narrative of the National Values - Who We Are.*²⁶² The Founding Fathers of the United States of America forged the nation on July 4, 1776 with the signing of the Declaration of Independence. The authors of the Declaration rooted the fledgling nation in the ideals of life, liberty and the pursuit of happiness as inalienable rights. These three ideals became the moral foundation of the Nation and its principles, laws and institutions.

The U.S. Constitution supplanted the Articles of Confederation on September 17, 1787. The Constitution repeats liberty and justice as values in its preamble, these are pre-requisites to securing domestic welfare, tranquility and the common defense.²⁶³ The national purpose necessitates our determination to maintain the essential elements of individual freedom, as set forth in the Constitution and the Bill of Rights; our determination to create conditions under which our free and democratic system can live and prosper; and our determination to fight if necessary to defend our way of life.²⁶⁴

The people of the United States expect their country to serve as an exemplar of freedom, fairness, equality and dignity in the world.²⁶⁵ This national expectation requires that our security emanates from the justness of our cause, the force of our example, [and] the tempering qualities of humility and restraint.²⁶⁶ The U.S. military must operate within this moral context.

*Article 4: Narrative of the Army Institutional Ethic - Why We Fight*²⁶⁷ The origins of the U.S. Army predate the United States. Citizen-soldiers established the militia in

1636 to defend the [colonial] settlement[s] in case of attack.²⁶⁸ The nation assumed command of the Troops of the United Provinces of North America on June 14, 1775.²⁶⁹

The national character and expectations create and drive the normative Army Institutional Ethic. The Constitution contains the moral and legal justification for our profession—to provide for the Common Defense. We defend the remainder of American society. We defend our territory, our values systems, our way of life, and our basic institutions.²⁷⁰

For us the role of military power is to serve the national purpose by deterring an attack upon us while we seek by other means to create an environment in which our free society can flourish.²⁷¹ When deterrence fails, we must win a lasting, sustainable peace from any war that is forced upon us without destroying the institutions of our civilization in the process.²⁷² We fight, when necessary, to defend the integrity and vitality of our free society and to defeat any aggressor.²⁷³ Ours is an honorable profession with an ethical purpose entirely consistent with our basic view that whatever protects and enhances life is good.²⁷⁴

Land power plays a critical role in fulfilling the national interests. Air, maritime and special forces rarely achieve decisive results on their own.²⁷⁵ Landpower is uniquely capable of comprehensively defeating other land forces, seizing or securing terrain, influencing civilian populations, and enabling other agencies to operate. Landpower also represents the strongest evidence of political commitment and the greatest and most credible deterrent force.²⁷⁶ The U.S. Army is the primary landpower arm of our Nation's Armed Forces.²⁷⁷ You may fly over a land forever; you may bomb it, atomize it, pulverize it and wipe it clean of life - but if you desire to defend it, protect it, and keep it for

civilizations, you must do this on the ground, the way the Roman legions did, by putting your young [soldiers] in the mud.²⁷⁸

The Army should be organized, trained, and equipped to achieve, through war, a peace that leaves our nation better protected than it was before the war. Ultimately, the members of the Army Profession are specialists in the management and application of violence. Therefore, the Army must maintain flexible, adaptable, well-trained, well-equipped, deployable and sustainable expeditionary forces that are culturally attuned and able to impose a peace that is politically and morally acceptable to locals on the battlefield, to Americans at home, and to the international community.²⁷⁹

Upon the institution of the Continental Army in 1776, George Washington wrote "it is Subordination and Discipline (the life and Soul of an Army) which next under providence, is to make us formidable to our enemies, honorable in ourselves, and respected in the world."²⁸⁰ The U.S. Army is, first and foremost, [as] the nation's obedient and loyal military servant. It takes pride in being the keeper of the essential skills of war that must be infused into the citizenry when they are called upon to fight. The [Army] is at its core an institution committed to discipline and order, strictly governed by the laws of war.²⁸¹

*Article 5: Statement of Army Professionals' Ethics - How We Fight.*²⁸² The American way of war is distinctive.²⁸³ When necessary, we have not shied from ferocious combat, driven by a conviction in the justness of our cause and a love of country that is second-to-none. However, we have also prosecuted war in a way that is typically more humane than the way of our enemies. Indeed, our history has also demonstrated a willingness to show kindness, humane conduct and acts of chivalry in

even the bitterest struggles.²⁸⁴ Our Founding Fathers, for example, were determined not only to win the war, but also to do so in a way consistent with their moral principles and their core belief in human rights.²⁸⁵ General George Washington led from the front in such matters. In written orders, he directed that enemy captives be treated with humanity and be given no reason to complain of brutal treatment.²⁸⁶

In 1863, lawyer Francis Lieber drafted the Union Army's *Instructions for the Government of Armies of the United States in the Field* as the first codified law of warfare for the United States Army. The Lieber Code became the foundational document for the 1899 Hague Convention. Critically, Lieber noted:

As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity - virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.²⁸⁷

More recently, a retired U.S. colonel and military ethicist rightly concluded:

Without moral purpose war is simply the exercise of destructive power against other human beings in the pursuit of self-interest. From the American perspective, war without moral purpose is always wrong. [Therefore,] the strength of our military forces lies in our commitment to a coherent and stable military ethic.²⁸⁸

This Statement of Ethics Intends to Fulfill that Goal

Statement of Army Professionals' Ethics

I am an Army professional. I promise to live by, to the best of my ability and judgment, this Army Ethic.²⁸⁹ On or off duty, I adhere to the virtues of honor, duty, courage, commitment, and respect.²⁹⁰

Principles of Honor.

- I always render *honorable* service to the United States and the Army. I do everything to uphold them and nothing to dishonor them.²⁹¹ I will obey and

support lawful and moral authority, and reject and report illegal or immoral orders.²⁹²

- I recognize that *honor* requires ethical conduct, moral behavior, honesty, integrity, and trust. I understand that ends, no matter how worthy, never justify unethical means.²⁹³ I do not bring shame to my country and Army through unethical or illegal actions.
- I do not lie, cheat or steal, nor tolerate those who do. I pursue *honor* and truth regardless of personal consequences. I am dedicated to fairness and justice.²⁹⁴
- I accept full responsibility for my actions and the actions of those in my charge.²⁹⁵ I train them and expect them to be *honorable*.
- I always remember and *honor* the brave men and women who have served before and who have paid the ultimate price for our freedom and the honor and integrity of our Army."²⁹⁶

Principles of Duty.

- I always place *duty*, service, and allegiance to nation before self.
- I am *duty*-bound to support and defend the Constitution; I uphold the laws and regulations of the United States.²⁹⁷ I always adhere to the principle that subordinates the military to civilian authority.²⁹⁸ I am non-partisan and avoid conflicts of interest in my professional life.²⁹⁹
- I am prepared to do my *duty* and, if necessary, to make sacrifices or to risk my life to protect the security and people of the United States.³⁰⁰

- I am a steward of the Army profession. I display dedication, initiative, and discipline while fulfilling my mission.³⁰¹ I develop and maintain my professional knowledge and skill. I do my utmost to ensure that my fellow soldiers and I are trained and equipped to carry out our duties.³⁰² I am a good steward of U.S. resources.
- I am a defender of those who cannot defend themselves. I am committed to putting the lives of my fellow Americans and all non-combatants on the battlefield before my own.

Principles of Courage.

- I always demonstrate physical, mental, and moral *courage* in the face of adversity.³⁰³
- I am *courageous*, but not reckless.³⁰⁴ I endanger myself and my comrades only to the extent required to carry out the mission.³⁰⁵ I share risk, endure hardships, and face danger with my comrades.³⁰⁶
- I show *courage* in restraint, even when doing so involves personal danger.³⁰⁷
- I persevere with *courage*, determination and strength of character.³⁰⁸ I condition myself to act correctly in the presence of danger and fear.³⁰⁹ I do not quit.
- I demonstrate moral *courage*, even at the risk of ridicule or danger. I insist on maintaining the highest standards of decency and behavior at all times.³¹⁰

Principles of Commitment.

- I am *committed* to defending the United States of America. I serve whenever and wherever I am needed, whatever the difficulties or dangers may be.³¹¹

- I am *committed* to the U.S. military. I understand that loyalty is a commitment not only to a cause but also to those who share that cause. I recognize that loyalty is reciprocal, based on mutual trust and respect.
- I am *committed* to my unit. I take pride in our unit, our discipline, our military expertise, and our training.³¹²
- I am *committed* to the welfare of my fellow soldiers, based on common purpose, equality, trust, tolerance, and friendship.³¹³ I will never leave a fallen comrade. I will not fail those with whom I serve.³¹⁴
- I recognize when loyalty and honor are in competition, wrong-doing cannot be condoned or covered up. I am *committed* to honor as my highest military principle.³¹⁵

Principles of Respect.

- I always *respect* the dignity of all persons.³¹⁶ I treat others with respect for their core human rights and according to the laws of war.
- I recognize the supreme value of human beings regardless of their origin, religion, nationality, gender, status, or position.³¹⁷ I demonstrate tolerance and esprit de corps and, by my conduct, win the *respect* of others.³¹⁸
- I uphold the international laws, conventions and regulations of armed conflict.³¹⁹ I use force only to the extent necessary and only in a way that will maintain my humanity.³²⁰ Even in the midst of mortal combat, I will treat my honored foe with dignity and *respect*. I avoid the use of force motivated by hate, revenge or pleasure. I use force only under duress or when it is necessary to defend a community on the basis of the rule of law."³²¹

- I do not harm human beings who are non-combatants or detainees, and I do all in my power to avoid causing harm to their lives, dignity and property.
- I do not tolerate unethical or illegal conduct. I do my best to prevent violations of either the Law of War or the Army Ethic and report all violations to the appropriate authority.³²²

I always remember that I am an American, a defender of the republic, a member of a time-honored profession, responsible for my actions, and dedicated to the virtues of honor, duty, courage, commitment, and respect.³²³

Article 6: Promulgation - How We Train. A code of military ethics goes hand in hand with education and training in the development of military virtues in producing an ethical soldier.³²⁴ The manual that describes and details the Army Ethic and the Army's ethical training program is FM 1-1, *The Army Ethic*. This manual complements FM 1, *The Army*, and FM 6-22, *Army Leadership*, and it is the Army's third capstone manual.³²⁵ At the heart of this manual is the idea that the Army incorporates ethics into all training as a primary, rather than a secondary concern.

*Article 7: Ethical Decision-making - How We Decide.*³²⁶ If we expect a moral military, we must have a thinking military. The following ethical decision-making tool is designed to help soldiers think through ethical problems to arrive at the best possible course of action.

How to choose the harder right:

1. What are the relevant facts of the situation?
2. What are the alternative[s] available?
3. Who will be affected?

4. What moral [and ethical] principles of the Army Ethic, are involved?
5. How would these principles be advanced or violated by each alternative action?³²⁷
6. How would I feel if I, or someone I cared about, were on the receiving end of this action?³²⁸

Article 8: Non-toleration - How We Maintain. Ethical violations of standards of conduct impair the trust and confidence placed in officers by superiors and subordinates, and undermine the public's respect for the Army.³²⁹ As demanded by the Statement of the Army Professionals' Ethics, all violations of the laws of war and the Army Ethic must be reported to the appropriate authorities. No one should be allowed to remain in the profession who cannot support the [Army Ethic] or who cannot comprehend the reasons for it.³³⁰

Article 9. The Covenant. General Creighton Abrams noted, "There must be, within our Army, a sense of purpose and a dedication to that purpose. There must be a willingness to march a little farther, to carry a heavier load, to step out into the darkness and the unknown for the safety and well-being of others."³³¹ There is a special relationship of loyalty and trust between the U.S. Army and the nation. In this context, the self-conception of the members of the U.S. Army is based on their commitment to loyally serve the nation and steadfastly defend the rights and freedom of the American people.³³² The American people desire and expect this level of dedication from the members of the U.S. armed forces.

Members of the Army Profession are often called upon to make personal sacrifices—including the ultimate sacrifice—in the service of the nation. In putting the

needs of the nation and the Army before their own, they forego some of their rights enjoyed by those outside the Armed Forces. In return, U.S. soldiers must always be able to expect fair treatment, to be respected as individuals and that they and their families will be sustained and rewarded by commensurate terms and conditions of service."³³³

Serving honorably, the soldier will be sustained by the nation, cared for through illness or injury, shielded through life if disabled in service. Toward no other profession does the nation express its obligation more fully.... Most Americans view this special status of the military with pride rather than envy - agreeing with the principle that exceptional advantage should attend exceptional and unremitting obligation.³³⁴

This mutual obligation forms the military covenant between the nation, the Army and each individual soldier; an unbreakable common bond of identity, loyalty, and responsibility which has sustained the Army throughout its history.³³⁵ The [covenant] is the basis of a code that determines what society expects of its military professionals. If an Army Professional meets those expectations, he will be valued and honored by the society he serves.³³⁶

Conclusions

The Army responded to the 5-2 Stryker crimes and photos by declaring that such actions were "repugnant to us as human beings."³³⁷ Certainly, this was true, but it was not enough to condemn those actions. Now it is necessary to prevent future events by providing the right tools and establishing the right processes.

This study took a hard look at the current institutional framework, individual artifacts, and training related to the Army's Ethic, and found them wanting. To correct this problem, the United States Army should start by surveying the Ethics of other

professional militaries, and incorporating their best practices. Likewise, exemplars also reside in the medical and legal professions.

In 1984, Lieutenant Colonel Hugh Kelley, a War College student, offered an idea for an Army Ethic and a means of promulgation. One lonely copy in the Army War College Library is the only evidence of his effort. No one heeded his message. Perhaps Kelley's paper came out at the wrong time when there was no pressing need.³³⁸ Given the events of the last ten years the current need is clear.

Iraq provides a final example of the lasting impact of moral/ethical indiscretions. After the combat-force withdrawal, the U.S. still had a national interest in maintaining forces in Iraq in an "advise and assist" role. On October 4, 2011, Iraqi leaders "agreed on the need to keep American [troops in Iraq into 2012], but they declared that [those] troops should not be granted immunity from Iraqi law."³³⁹ Without the immunity provision, U.S. service members in Iraq might have faced trial under Iraqi jurisdiction. This was politically unacceptable for the U.S., and the Iraqi decision necessitated an unplanned full departure from Iraq in 2011. So what caused this change? The Iraqi government cited dissatisfaction with U.S. military adjudication in war crimes cases, specifically Abu Ghraib and Haditha. These tactical crimes, some of which had occurred over seven years earlier, still rippled and created complications.

Instead of being "invincible" in the fashion of Sun Tzu, our nation is vulnerable. Strategic efforts, such as remaining in Iraq to maintain the costly and tentative peace and forestall possible Iranian annexation, have been derailed because of tactical failures like Abu Ghraib. Moral influence, as Sun Tzu saw it, is absolutely required to ensure victory.

As a junior officer, George C. Marshall noted that "Once an army is involved in war, there is a beast in every fighting man which begins tugging at its chains. And a good officer must learn early on how to keep the beast under control, both in his men and himself."³⁴⁰ Marshall's statement conveys a fundamental truth, but officers no longer monopolize that role. All soldiers must participate in the self-governance of the profession.

As stewards of the profession, strategic leaders develop the culture of the organization, provide a vision, and ensure the fulfillment of the organizational purpose. The U.S. Army's strategic leaders must recognize the danger of a directionless and amoral organization and prioritize efforts to balance the force from a moral/ethical perspective.³⁴¹ One soldier spoke of the 2006 rape-murders at Mahmudiyah:

If people continue to treat this like a mysterious event that came out of nowhere, and we don't change how we lead soldiers and we don't honestly look at what caused this to happen, it's going to happen again. I mean, this isn't the only time. It's just the most notorious time.³⁴²

Sadly, that soldier's prediction has already proved true; the Maywand killings in Afghanistan followed the Mahmudiyah murders in Iraq. In January 2012, video of U.S. Marines (including an officer Platoon Commander) urinating on dead Afghans hit the news.³⁴³ Almost simultaneously, Afghan President Hamid Karzai demanded the immediate turnover of detention facilities in Afghanistan, citing possible U.S. abuse of prisoners.³⁴⁴ The cycle continues.

Until the Army dramatically changes course, U.S. forces will continue to risk winning the battle but losing the war. There can be no "better peace" of grand strategy when friends, foes and non-combatants, embittered by war crimes, remain. The American people lose faith with the Army when military actions are not in line with

American expectations for moral/ethical behavior. Collectively, we need to do some hard reflection and internal soul-searching. As General Jacob Devers noted in 1945, "How is the Army going to progress unless its mistakes are seen and studied?"³⁴⁵ More optimistically, General Creighton Abrams noted:

The Army is and always will be people. Our people are really good. It is a rare man who wants to be bad, but a lot of men are not strong enough to be good all by themselves, and a little help is enough. It does not make a difference where they come from.... If we have faith in them and encourage them and keep standing for the right ourselves, the Army will [be] what the country needs and has to have.³⁴⁶

Our people are really good. Nevertheless, we must arm them with strength of character. Dr. Mattox, the newly installed CGSC ethics chair, suggests, "We must make active reflection upon ethics and virtue a fundamental part of our professional lifeblood."³⁴⁷ Soldiers must "know what is right, and have the courage to do what is right."³⁴⁸

A new Army Ethic is not a panacea for correcting the Army's problems. In fact, an Army Ethic alone offers little potential beyond the ill-founded bumper-sticker neologisms we currently use. But an explicit set of ethics, in conjunction with appropriate training and education, renewed focus on proper ethical conduct, a high spirit of non-toleration, and genuine enforcement would create real potential for moral progress in the organization. Ultimately, the Army must collectively realize that the moral/ethical component of combat is the primary, not secondary or tertiary, focus of the fight. As military ethicists Peter Fromm, Douglas Pryer and Kevin Cutright note, "war is a moral force."³⁴⁹ The Army Ethic narrative can provide the source of our motivation to fight, and the means to fight morally, in accordance with our country's core values.

Moten noted, "the Army tends to reform at the end of wars that have accentuated its shortcomings of one kind or another."³⁵⁰ For example, due to the Korean War POW problem, the Department of Defense took the initiative to create the Code of Conduct.³⁵¹ However, the long war in which the United States is currently engaged has not afforded the opportunity for reflection and change.³⁵² Ethical shortcomings highlighted during the Global War on Terror should provide the impetus for the creation of another broader code of ethics for the Army, if not the Department of Defense as a whole. Great opportunity exists to forge a new ethic and, in an age of scarce resources and persistent conflict, the means to cull the ranks of marginal moral/ethical performers. Politicians often say "never waste a good crisis."³⁵³ As the U.S. military faces downsizing due to budget pressures, we may use a new Army Ethic to ensure we keep the right people in the force.

The Army, perhaps the entire Department of Defense, should adopt this proposed Ethic or develop a similar ethic. The American people deserve an Army refined under an overarching moral institutional framework which best serves the people's interests. Our American fighting forces deserve the knowledge and moral influence to "cultivate their own humanity and justice and maintain their laws and institutions [and] make their government invincible."³⁵⁴ Sun Tzu's lessons remain as true as they are timeless. Hopefully, the U.S. Army will learn the lesson, and find "the right way." The stakes for the profession and those who serve it are high.³⁵⁵

We dare not fail.

Endnotes

¹ Sun Tzu, *The Art of War*, trans. Samuel Griffith. (New York: Oxford University Press, 1963), 88.

² Ibid., 63.

³ Lieutenant Colonel Peter Fromm and his co-authors also used this quote to frame their argument in Peter D. Fromm, Douglas A. Pryer, and Kevin R. Cutright, "War is a Moral Force: Designing a More Viable Strategy for the Information Age," *Joint Forces Quarterly*, no. 64, (1st Quarter 2012): 42.

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⁶ Anthony R. Jones, AR 15-6 Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade, and George R. Fay, AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade provided by FindLaw.com. Also noteworthy is Douglas A. Pryer, *The Fight for the High Ground: The U.S. Army and Interrogation During Operation Iraqi Freedom May 2003 - April 2004*. (Fort Leavenworth, KS: CGSC Foundation Press, 2009), 4-5.

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⁹ Scott Higham and Joe Stephens, "Punishment and Amusement," May 22, 2004, <http://www.washingtonpost.com/ac2/wp-dyn/A46523-2004May21?language=printer> (accessed November 6, 2011).

¹⁰ Compiled from Mark Boal, "Behind the American 'Kill Team' in Afghanistan," March 28, 2011, http://www.msnbc.msn.com/id/42304341/ns/world_news-south_and_central_asia/t/behind-american-kill-team-afghanistan/#.TtKbw_LNkqM (accessed October 15, 2011); William Yardley, "The Young US Soldier Both Loved and Hated," October 5, 2010, <http://www.ndtv.com/article/world/the-young-us-soldier-both-loved-and-hated-57019> (accessed October 15, 2011); Statement of the U.S. Army, "DoD News Release: 5/2 Stryker Kill Teams," March 28, 2011, <http://www.usmilitarymobile.com/military-news/military-abuse.html> (accessed October 15, 2011); Hal Bernton, "Stryker Soldiers Allegedly Plotted to Kill Afghan Civilians," August 24, 2010, http://seattletimes.nwsourc.com/html/localnews/2012712859_civiliandeaths25m.html (accessed October 15, 2011); Adam Ashton, "The Lost Platoon," October 16, 2011,

<http://www.thenewstribune.com/2011/10/16/1866929/lost-platoon.html> (accessed October 17, 2011); Adam Ashton, "Lost Platoon's 'Leader of Trust; had a Dark Side,'" October 17, 2011, <http://www.thenewstribune.com/2011/10/16/1867914/leader-of-trust-had-dark-side.html#storylink=mirelated> (accessed October 24, 2011).

¹¹ Mark Schone and Matthew Cole, "Calvin Gibbs, Leader of 'Thrill Kill' Soldiers, Guilty of Murder," November 10, 2011, <http://abcnews.go.com/Blotter/leader-thrill-kill-soldiers-found-guilty/story?id=14924863#.Tr7TnfKwVVVo> (accessed November 10, 2011).

¹² Retired Navy SEAL Dick Couch coined 'moral pirate' in Dick Couch, *A Tactical Ethic: Moral Conduct in the Insurgent Battlespace* (Annapolis, MD: Naval Institute Press, 2010), 5-6.

¹³ William Deresiewicz, "An Empty Regard," August 20, 2011, http://www.nytimes.com/2011/08/21/opinion/sunday/americas-sentimental-regard-for-the-military.html?_r=2&pagewanted=1 (accessed August 22, 2011).

¹⁴ Office of the Surgeon Multi-National Force Iraq, "Mental Health Advisory Team (MHAT) IV Operation Iraqi Freedom 05-07 Final Report," November 17, 2006, 34-42.

¹⁵ COL Castro, the MHAT IV Team Leader provides a Powerpoint synopsis of the full report in Carl A. Castro, "Mental Health Advisory Team (MHAT) IV Brief General James T. Conway Commandant of the Marine Corps Brief," briefing slides, April 18, 2007, 21-25.

¹⁶ Couch, *A Tactical Ethic*, 56 and Appendix I.

¹⁷ Luke Mogelson, "A Beast in the Heart of Every Fighting Man," April 27, 2011, http://www.nytimes.com/2011/05/01/magazine/mag-01KillTeam-t.html?_r=1&pagewanted=print (accessed October 17, 2011).

¹⁸ Peter Finn, Joby Warrick and Julie Tate, "How a Detainee Became an Asset: Sept 11 Plotter Cooperated After Waterboarding," August 28, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/28/AR2009082803874.html> (accessed May 4, 2011).

¹⁹ Yale psychologist, Charles A. Morgan III, questioned, "How did something used as an example of what an unethical government would do [in the SERE program] become something we do?" in Scott Shane, "Soviet-Style 'Torture' Becomes 'Interrogation'," June 3, 2007, <http://www.nytimes.com/2007/06/03/weekinreview/03shane.html?ei=5090&en=6959a25f746dca&ex=1338523200&adxnnl=1&adxnnlx=1313954076-NP5zGQWj+UIKvDpKiSGW9w&pagewanted=print> (accessed August 21, 2011). Likewise, "Democratic societies don't use torture under any circumstances. It is illegal and immoral," said Tom Parker, policy director for counterterrorism and human rights at Amnesty International found in Finn, Warrick and Tate, "How a Detainee Became an Asset."

²⁰ Major Douglas Pryer gives an excellent overview of how the policies intended for use at Guantanamo migrated to Afghanistan and Iraq in Pryer, *The Fight for the High Ground*. Alternatively, see the comprehensive history provided in Jon L. Lightner, "Voyage to the Dark Side: The Tortured Path of United States' Detainee Interrogation Policy" (Carlisle Barracks, PA: U.S. Army War College, 2007). To understand the legal basis used to justify the enhanced interrogation techniques see K. Krewer, "The 'Torture Memos': A Failure of Strategic Leadership," (Carlisle Barracks, PA: U.S. Army War College, 2009).

²¹ These sources offer examples of interrogations that did not rely on coercive techniques. Hanns Scharff was a noted World War II Luftwaffe interrogator whose methods are described in Raymond T. Tolliver & Hanns Joachim Scharff, *The Interrogator: The Story of Hanns Joachim Scharff: Master Interrogator of the Luftwaffe* (Atglen, PA: Schiffer Publishing, 1997). A current example can be found in Matthew Alexander's description of how his interrogation team tracked down terrorist Abu Musab Al Zarqawi. Matthew Alexander and John Bruning, *How to Break a Terrorist: The U.S. Interrogators Who Used Brains, Not Brutality, to Take Down the Deadliest Man in Iraq* (New York: Free Press, 2008). Douglas Pryer notes that 1st Armored Division interrogators largely rejected the option when it was afforded to them. Clearly, many other interrogators, military police personnel, and others turned a blind eye or participated in the program. See Pryer, *The Fight for the High Ground*, 66-79.

²² Department of Behavioral Sciences and Leadership, USMA, *Leadership in Organizations* (Garden City Park, NY: Avery Publishing, 1988), 428.

²³ Charles D. Allen, "Of Interest: Army Strong - Really?," Strategic Studies Institute, (Carlisle, PA: U.S. Army War College, April 2011), 2.

²⁴ Mogelson, "A Beast in the Heart of Every Fighting Man."

²⁵ Matthias Gebauer and Hasnain Kazim, "US Army Apologizes for Horrific Photos from Afghanistan," March 21, 2011, <http://www.spiegel.de/international/world/0,1518,752310,00.html> (accessed October 15, 2011).

²⁶ Peter Kilner, "Military Leaders' Obligation to Justify Killing in War," *Military Review* 72, no. 2, (March-April 2002): 24-31.

²⁷ Merriam-Webster, "Moral," <http://www.merriam-webster.com/dictionary/moral> (accessed December 4, 2011).

²⁸ Merriam-Webster, "Ethics," <http://www.merriam-webster.com/dictionary/ethics> (accessed December 4, 2011).

²⁹ John W. Brinsfield, "Army Values and Ethics: A Search for Consistency and Relevance," *Parameters* 28, no. 3 (Autumn 1998): 70.

³⁰ Don Snider, interview by author, Carlisle, PA, September 13, 2011.

³¹ B. H. Liddell Hart, *Strategy*, 2nd ed. (New York: Meridian, 1991), 353.

³² Joseph S. Nye, Jr. and David A. Welch, *Understanding Global Conflict and Cooperation: An Introduction to Theory and History*, 8th ed. (New York: Longman, 2011), 26.

³³ Merriam-Webster, "Chivalry," <http://www.merriam-webster.com/dictionary/chivalry> (accessed December 18, 2011).

³⁴ Colin Woodard, "The History of Torture—Why We Can't Give It Up," August 9, 2011, <http://www.historynet.com/the-history-of-torture%E2%80%94why-we-cant-give-it-up.htm/1> (accessed August 14, 2011).

³⁵ Nye and Welch, *Understanding Global Conflict and Cooperation*, 25.

³⁶ British Army Lieutenant Colonel Bowyer notes that, due to formulations such as the Geneva Conventions, *jus in bello* issues of "the moral had been abrogated to the legal." He suggests that the discussion has been largely focused on *jus ad bellum* issues on war's legitimacy until very recently in the 21st century. Darren G. Bowyer, "Challenges to the Military Code of Ethics: How New Wars and New Protagonists Challenge the Concept of Warrior Honour," <http://isme.tamu.edu/ISME07/Bowyer07.html> (accessed September 11, 2011).

³⁷ Nye and Welch, *Understanding Global Conflict and Cooperation*, 26. David Forsythe further explores noncombatant immunity noting that "it was widely accepted that when a combatant was out of the fight due to injury, the wounded soldier ceased to be an active political agent and reverted to being a person meriting humane treatment as an individual." In David P. Forsythe, *The Politics of Prisoner Abuse* (New York: Cambridge University Press, 2011), 3.

³⁸ Department of Defense, "Responsibility, Accountability, and Discipline," *Armed Forces Officer*, (National Defense University Press and Potomac Press, 2007), 61-71, *Strategic Thinking: Selected Readings Core Curriculum* (Carlisle, PA: U.S. Army War College, 2011), 297.

³⁹ Larry Colburn was a door gunner assisting helicopter pilot Hugh Thompson in mitigating the horrors of My Lai. My Lai remains a key incident in the U.S. Army's history, as it relates to atrocities and following inappropriate orders. Few soldiers disobeyed their officers that day, but some quietly refused to participate in the slaughter. Colburn almost had to fire on fellow Americans to protect Vietnamese non-combatants. Vietnam Magazine, "Interview - Larry Colburn - Why My Lai and Hugh Thompson Matter," February 07, 2011, <http://www.historynet.com/interview-larry-colburn-why-my-lai-hugh-thompson-matter.htm> (accessed December 11, 2011).

⁴⁰ Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton NJ: Princeton University Press, 1976), 590-591.

⁴¹ Liddell Hart, *Strategy*, 357.

⁴² Matthew Alexander, "I'm Still Tortured by What I Saw in Iraq," November 30, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/11/28/AR2008112802242.html> (accessed December 18, 2011).

⁴³ Couch, *A Tactical Ethic*, 78.

⁴⁴ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (New York: W.W. Norton & Company, 2004), 376.

⁴⁵ Gallup data from June 2006 is in Couch, *A Tactical Ethic*, 25. Gallup data from 2009 is also cited in Lee Deremer, "Stewardship: What's In It for You?" in *Strategic Leadership: Selected Readings Core Curriculum* (Carlisle Barracks, PA: U.S. Army War College, 2011), 276. This is a vast improvement from the nadir of military respect during the Vietnam War as noted in Brinsfield, "Army Values and Ethics," 74.

⁴⁶ Mogelson, "A Beast in the Heart of Every Fighting Man."

⁴⁷ Ibid.

⁴⁸ Deremer, "Stewardship," 276.

⁴⁹ Fromm, Pryer, and Cutright, "War is a Moral Force," 46.

⁵⁰ Merriam-Webster, "Profession," <http://www.merriam-webster.com/dictionary/profession> (accessed November 27, 2011).

⁵¹ Magali Sarfatti Larson, *The Rise of Professionalism: A Sociological Analysis* (Berkeley, California: University of California Press, 1978), 208.

⁵² Don M. Snider, "The U.S. Army as Profession," in *The Future of the Army Profession*, 2nd ed., eds. Don M. Snider and Lloyd J. Mathews, (New York: McGraw Hill, 2005), 14.

⁵³ Murray Clark, "Officership and Civil-Military Relations: A Brief Summary of Huntington and Janowitz," in *Strategic Leadership: Selected Readings Core Curriculum* (Carlisle Barracks, PA: U.S. Army War College, 2011), 321.

⁵⁴ Barbara W. Tuchman, "Human Nature is Responsible," in *The American Military: Opposing Viewpoints*, ed. by David L. Bender (St. Paul, MN: Greenhaven Press, 1983), 74 found in Carl H. Builder, *The Masks of War: American Military Styles in Strategy and Analysis* (Baltimore, MD: Johns Hopkins University Press, 1989), 20.

⁵⁵ Magali Sarfatti Larson, *The Rise of Professionalism*, 208.

⁵⁶ Snider, "The U.S. Army as Profession," 14.

⁵⁷ Peter Tyson, "The Hippocratic Oath Today," <http://www.pbs.org/wgbh/nova/body/hippocratic-oath-today.html> (accessed November 28, 2011).

⁵⁸ The Nuremberg Code can be found at "The Nuremberg Code," December 13, 2005, <http://h2g2.com/dna/h2g2/A6110777> while an overall description of the various codes, including the Declaration of Geneva can be found at "The Hippocratic Oath," August 20, 2003, <http://h2g2.com/dna/h2g2/A1103798>.

⁵⁹ Colonel Ronald Smith, a previous War College student, attempts to reconcile the tension of being both a medical and a military professional in an ethical quandary - physician support to detainee interrogation. Smith's efforts reflect the changing demands placed on the two professions. This subject treads dangerously towards the WWII issues that the Nuremberg Code and Declaration of Geneva were designed to curtail. Found in Ronald E. Smith, Jr. "An Ethical Framework for Physician Involvement in Interrogations" (Carlisle Barracks, PA: U.S. Army War College, 2006).

⁶⁰ One verbose example, characteristic of the law profession, can be found at Legal Information Institute, "New York Lawyer's Code of Professional Responsibility," http://www.law.cornell.edu/ethics/ny/code/NY_CODE.HTM (accessed November 28, 2011).

⁶¹ The Illinois Institute of Technology Center for the Study of Ethics in the Professions maintains a growing compilation of over 500 different codes of ethics online at Center for the Study of Ethics in the Professions, Index of Codes by Professional Category, Illinois Institute of Technology, <http://ethics.iit.edu/index1.php/Programs/Codes%20of%20Ethics/Index%20Of%20Codes> (accessed December 1, 2011).

⁶² Former Army officer and philosophy professor, Richard De George provides seven supporting reasons for establishing a Military Code of Ethics in Richard T. De George, "Defining Moral Obligations: The Need for a Military Code of Ethics," *Army*, December 1984, 22-30.

⁶³ John Ladd, "The Quest for a Code of Professional Ethics: An Intellectual and Moral Confusion," *Ethical Issues in Engineering* ed. Deborah G. Johnson (Englewood Cliffs, NJ: Prentice-Hall, 1991), 130-136, in Illinois Institute of Technology, "The Function and Value of Codes of Ethics," <http://ethics.iit.edu/index1.php/Programs/Codes%20of%20Ethics/Function%20and%20Value%20Of%20Codes%20of%20Ethics> (accessed December 11, 2011).

⁶⁴ *Ibid.*, 130-136

⁶⁵ Luegenbiehl, Heinz C. "Codes of Ethics and the Moral Education of Engineers," *Business and Professional Ethics Journal* 2 (1983): 41-61, in *Ethical Issues in Engineering* ed. Deborah G. Johnson (Englewood Cliffs, NJ: Prentice-Hall, 1991), 137-154, found in Illinois Institute of Technology, "The Function and Value of Codes of Ethics."

⁶⁶ Richard A. Gabriel, *The Warrior's Way: A Treatise on Military Ethics* (Kingston, Ontario: Canadian Defence Academy Press, 2007), 164-174.

⁶⁷ *Ibid.*, 174-183.

⁶⁸ Andrew Olson, "Authoring a Code of Ethics: Observations on Process and Organization," <http://ethics.iit.edu/index1.php/Programs/Codes%20of%20Ethics/Authoring%20a%20Code%20of%20Ethics> (accessed January 22, 2012).

⁶⁹ Jonathan J. Smidt, "Army Leadership: Doctrine and the New FM 22-100," *Military Review*, 78, no. 3 (May/June 1998): 83.

⁷⁰ U.S. Department of the Army, *Military Leadership*, Field Manual 22-100 (Washington, DC: U.S. Department of the Army, July 31, 1990), 29.

⁷¹ *Ibid.*, 29-30.

⁷² *Ibid.*, 30-32.

⁷³ Successive editions of this manual reduce or eliminate references to ethics and ethical decision-making.

⁷⁴ U.S. Department of the Army. *Army Leadership: Be Know, Do*, Field Manual 22-100 (Washington, DC: U.S. Department of the Army, August 31, 1999), 2-2 - 2-10.

⁷⁵ Smidt, "Army Leadership," 84.

⁷⁶ U.S. Department of the Army. *Army Leadership: Be Known, Do*, 2-21.

⁷⁷ Mark S. Patterson and Janet E. Phipps, "Ethics: Re-directing the Army's Moral Compass," (Carlisle, PA: U.S. Army War College, 2002), 22.

⁷⁸ Anonymous, "FM 22-100 Scheduled for Spring Release," *Army Logistician*, March/April 1998, 30, 2, Military Module, 43. Brinsfield describes the Aberdeen sex crimes in Brinsfield, "Army Values and Ethics," 75.

⁷⁹ U.S. Department of the Army. *Army Leadership: Competent, Confident and Agile*, Field Manual 6-22. (Washington, DC: U.S. Department of the Army, October 12, 2006), 4-14 - 4-16.

⁸⁰ Although, I did not find this document until well into my own research Kelley's document became a spiritual predecessor and inspiration to this study. I avoided reading his proposed ethic in detail. But I did use some of his constructive ideas. In particular, I adopted his idea of promulgation, but not his method. His notion of enforcement does not match my idea of self-policing governance, although there may be overlaps. Hugh A. Kelley, "A Proposal for the United States Army Ethic," (Carlisle Barracks, PA: U.S. Army War College, 1984).

⁸¹ James T. Schroeder, "Ethics and Values in the Army Today," (Carlisle Barracks, PA: U.S. Army War College, 1984), 7.

⁸² Ibid., 16, 23.

⁸³ Matthew Moten, "The Army Officers' Professional Ethic - Past, Present, and Future," Strategic Studies Institute (Carlisle, PA: U.S. Army War College, February 2010), 20.

⁸⁴ Louis V. Gerstner, *Who Says Elephants Can't Dance?* (New York: HarperBusiness, 2002), 182.

⁸⁵ Ibid., 189.

⁸⁶ Stephen J. Gerras, ed., *Strategic Leadership Primer*. 3rd ed. (Carlisle Barracks, PA: U.S. Army War College, 2010), 48-49.

⁸⁷ Bob Woodward, *Obama's Wars* (New York: Simon & Schuster, 2010), 56.

⁸⁸ Don M. Snider, Paul Oh, Kevin Toner, *The Army's Professional Military Ethic In An Era of Persistent Conflict* (Carlisle, PA: U.S. Army War College, October 2009), iii.

⁸⁹ Don Snider, interview by author, Carlisle, PA, September 13, 2011. Dr. Snider concurred there is no explicit ethic, though the monograph makes frequent mention of the idea.

⁹⁰ Major Douglas A. Pryer performed a similar deconstruction of the Army's artifacts in Douglas A. Pryer (unpublished manuscript). *Steering America's Warship toward Real Communication (and Success) in the 21st Century*. Received July 4, 2011. I assisted Pryer in the editing of the document. Pryer's final DePuy award winning article – which likely differs from

the draft – is in Douglas A. Pryer, "Steering America's Warship toward Real Communication (and Success) in the 21st Century," *Military Review* 92, no. 1 (January-February 2012): 24-34.

⁹¹ Celestino Perez Jr., "The Embedded Morality in FM 3-24 Counterinsurgency," *Military Review* 89, no. 3 (May-June 2009): 27.

⁹² U.S. Department of the Army. TRADOC Center for the Army Profession and Ethic. *Army: Profession of Arms 2011: The Profession After 10 Years of Conflict* (Fort Monroe, VA: Headquarters United States Army Training and Doctrine Command, October 2010), 2.

⁹³ *Ibid.*, 29-37.

⁹⁴ U.S. Department of the Army. *The Army*, Field Manual 1, (Washington, DC: U.S. Department of the Army, June 14, 2005).

⁹⁵ *Ibid.*, 1-11.

⁹⁶ Center of Military History, United States Army, "Oaths of Enlistment and Oaths of Office," <http://www.history.army.mil/html/faq/oaths.html> (accessed October, 15, 2011).

⁹⁷ U.S. Department of the Army. *The Army*, 1-14.

⁹⁸ U.S. Department of Defense, *Joint Ethics Regulation 1-6*, 5500.7, 153.

⁹⁹ *Ibid.*, 155-158.

¹⁰⁰ Master Survival, Evasion, Resistance and Escape (SERE) instructor (specializing in Escape and Evasion and Resistance to Interrogation) and retired U.S. Air Force Captain Michael S. Kearns made these comments in his Master of Organizational Leadership thesis in Michael S. Kearns, "Code of Conduct," (Spokane WA: Gonzaga University, 1991), 7.

¹⁰¹ *Ibid.*, 9.

¹⁰² *Ibid.*, 11-12.

¹⁰³ Don Snider, interview by author, September 13, 2011. Dr. Snider discussed the notion of a Soldier's Covenant, an agreement between the soldier and the state. He remarked that this would be unpalatable to the politicians because no member of Congress is willing to tie the hands of a future Congress.

¹⁰⁴ U.S. Department of the Army. *The Soldier's Blue Book*, Pamphlet 600-4. (Fort Monroe, VA: Headquarters United States Army Training and Doctrine Command, October 1, 2010), 15.

¹⁰⁵ Some believe that the Soldier's Creed was created in direct response to the 507th Maintenance Company's failure to defend itself in Nasiriyah, Iraq on March 23, 2003. This is the ambush where PFC Jessica Lynch was injured and captured. The unit's poor response to the attack on their convoy was largely attributed to a lack of basic soldier's skills. The work on the Soldier's Creed began in May, 2003 and the final product was released November 13, 2003.

¹⁰⁶ Debusk suggests that the Ethos be modified to include the statement "I am an expert and a professional *and I adhere to the highest ethical standards.*" This is an improvement, but only if those "highest ethical standards" are detailed elsewhere. Found in Steven S. Debusk, "The Warrior Ethos Revisited: Implications for the Future" (Carlisle Barracks, PA: U.S. Army War College, 2011), 17-18.

¹⁰⁷ U.S. Department of the Army. TRADOC Center for the Army Profession and Ethic. *Army: Profession of Arms 2011*, 37.

¹⁰⁸ U.S. Department of the Army, *Army Leadership: Competent, Confident and Agile*, 4-2 - 4-9.

¹⁰⁹ A Department of Defense document uses slightly different terminology and expands the seven Army Values to nine with the addition of "Excellence" and "Commitment." To be clear, this is not a doctrinal source, but it is curious. Notably the definition of "Integrity" calls for "holding oneself to a strict moral code in word and deed, a code that forms the foundation for all interaction with subordinates, peers, and superiors alike." Again, the code is implied but not explained, and the reference is internal rather than both internal and external. Found in Department of Defense, "Character: Nobility of Life and Action," *Armed Forces Officer* (National Defense University Press and Potomac Press, 2007), 43-49, in *Strategic Thinking: Selected Readings Core Curriculum* (Carlisle, PA: U.S. Army War College), 284-286.

¹¹⁰ I made this assessment prior to discovering that Colonel John Mark Mattox used similar logic and almost the same language in John Mark Mattox, "Values Statements and the Profession of Arms: A Re-evaluation," Paper presented at the Command and General Staff College Ethics Symposium, 2010, http://www.leavenworthethicssymposium.org/resource/resmgr/2010_General_Papers/Mattox.pdf (accessed December 7, 2011), 9. Lieutenant Colonel (Retired) Timothy Challans describes how this mnemonic came to be in Timothy Challans, *Awakening Warrior: Revolution in the Ethics of Warfare* (Albany, NY: State University of New York Press), 102-103.

¹¹¹ Patterson and Phipps, "Ethics," 18.

¹¹² I came to this conclusion prior to reading Lieutenant Colonel Tim Challans' article. Challans, the principal author of the 1999 edition of FM 6-22, bitterly notes his efforts to include "respect [to] our enemies" in the manual were dismissed in committee. Found in Tim Challans, "Leading Our Leaders," *Military Review* 89, no.5 (September-October, 2009): 123.

¹¹³ The My Lai incident appears in many generations of the *Leadership* manuals, but each generation seems to place less emphasis on the material. A case study, which consumed a page or two previously, now only warrants three paragraphs in the current manual. U.S. Department of the Army. *Army Leadership: Competent, Confident and Agile*, 4-14.

¹¹⁴ Ibid., 4-14– 4-16.

¹¹⁵ U.S. Department of the Army. *The Soldier's Blue Book*, 16-17. Another document, *Army: Profession of Arms 2011* cites the source of the Soldier's Rules as AR 350-1, para. 4-14B. An International Red Cross webpage references a set of Soldier's Rules which are very similar to the U.S. Army version. <http://www.icrc.org/eng/resources/documents/misc/57jmehb.htm> (accessed October 16, 2011). Scott Heintzelman, e-mail message to the author, September 14,

2011. Lieutenant Colonel Heintzelman, who previously commanded a Combat Basic Training unit, described the origins of *The Soldier's Blue Book*. TRADOC constructed the *Blue Book* to support Initial Entry Training (aka Combat Basic Training). Heintzelman cited Lieutenant General Benjamin C. Freakley as the champion of the Soldier's Rules. Craig Curry, e-mail message to the author, October 17, 2011. Colonel Curry noted that both Lieutenant General Freakley and Lieutenant General Mark P. Hertling made additions to the Soldier's Rules, but the Army G1 office likely created the original version. This might explain the multiple variations.

¹¹⁶ Couch, *A Tactical Ethic*, 46.

¹¹⁷ Scott Heintzelman, e-mail message to the author, September 12, 2011.

¹¹⁸ U.S. Department of the Army, *Overview of Operational Law for Basic Combat Training*, Training Support Package and Slides 805-B-0067 (Charlottesville, VA: The Judge Advocate General's Legal Center and School, March 1, 2010).

¹¹⁹ Don Snider, interview by author, Carlisle, PA, August 29, 2011. Dr. Snider referenced Department of the Army. TRADOC Army White Paper: The Profession of Arms (Fort Monroe, VA: Headquarters United States Army Training and Doctrine Command, December 2, 2010), 11-16. Dr. Snider shared that this document purposely relied heavily upon the British document: Directorate General Development and Doctrine. (May 2005). AC71819 *Army Doctrine Publication 'Land Operations'*. Ministry of Defense. He repeated the concept in Don M. Snider, "The Army's New Capstone Concept: Something is Missing!" Remarks to Army Center for the Professional Military Ethic (ACPME) on April 28, 2010, 2.

¹²⁰ Snider, Oh, and Toner, *The Army's Professional Military Ethic*, 11.

¹²¹ *Ibid.*, 10.

¹²² *Center for the Army Profession and Ethic*, <http://cape.army.mil/index.html> (accessed October 17, 2011).

¹²³ U.S. Department of the Army. TRADOC Center for the Army Profession and Ethic. *Moral Combat* Computer Game (Fort Monroe, VA: Headquarters United States Army Training and Doctrine Command, October 2010).

¹²⁴ Melissa Bower, "Mattox Installed as CGSC's First Ethics Chair," November 10, 2011, <http://www.ftleavenworthlamp.com/community/x1691079272/Mattox-installed-as-CGSC-s-first-ethics-chair> (accessed December 7, 2011).

¹²⁵ A number of authors reflect this thinking. Among them, Dick Couch bases his entire premise on this notion in Couch, *A Tactical Ethic*, 46. CAPE leads summarize the importance of an exemplary ethic with the relevancy to the COIN battlefield in Peter L. Jennings & Sean T. Hannah, "The Moralities of Obligation and Aspiration: Towards a Concept of Exemplary Military Ethics and Leadership," *Military Psychology* 23, no. 5, 18-19. Another COIN example is found in Perez, "The Embedded Morality," 24-31. Strategic Studies Institute researcher Matthew Moten also notes the difficulty in identifying the enemy and contending with an enemy who does not follow the law of warfare in Moten, "The Army Officers' Professional Ethic," 15.

¹²⁶ Dieter Baumann, "Military Ethics: A Task for Armies," *Military Medicine* 172, no. 1 (December 2007): 37.

¹²⁷ U.S. Department of the Army, *The Army Capstone Concept 2016-2028*, TRADOC Pam 525-3-0 (Washington DC: U.S. Department of the Army, December 21, 2009).

¹²⁸ Snider, "The Army's New Capstone Concept: Something is Missing!," 1.

¹²⁹ Ibid.

¹³⁰ Chairman, Joint Chiefs of Staff. Capstone Concept for Joint Operations, v3 (January 2009), 28-35.

¹³¹ Ibid., 34.

¹³² Chairman, Joint Chiefs of Staff. The National Military Strategy of the United States of America (February 2011), 4, 7.

¹³³ Ibid., 16.

¹³⁴ Snider, "The Army's New Capstone Concept: Something is Missing!," 2.

¹³⁵ Bowyer notes the similarities in the British, Canadian and U.S. values documents in Bowyer, "Challenges to the Military Code of Ethics."

¹³⁶ Liz Williams describes the murder and the problems with hazing which the Canadian Airborne Regiment experienced in Liz Williams, "Soldiers Like Rules: An Examination of the Necessity and Desirability of ROE to Soldiers in the Field," (unpublished manuscript). Royal United Services Institute of Vancouver Island, http://www.rusiviccca.org/oralhistory/essays/williams_essay.htm (accessed December 18, 2011). Paul Watson describes the significance of lessons learned after Somalia as Canadian Forces operated in Afghanistan, and avoided the same mistakes in Paul Watson, "My 9/11: After Somalia, A Reporter Finds Pride with Canadian Troops in Afghanistan," September 10, 2011, <http://www.thestar.com/news/world/article/1051103--my-9-11-after-somalia-a-reporter-finds-pride-with-canadian-troops-in-afghanistan> (accessed December 18, 2011).

¹³⁷ Like so many of these modern crimes, the onlookers documented the beatings on video. See Thomas Harding, "Army fears backlash over video showing soldiers beating Iraqis," February 13, 2006, <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1510386/Army-fears-backlash-over-video-showing-soldiers-beating-Iraqis.html> (accessed December 18, 2011).

¹³⁸ The torture and drowning are described in alarmist terms in Felicity Arbuthnot, "The British Military in Iraq: A Legacy of War Crimes and Atrocities," <http://globalresearch.ca/index.php?context=va&aid=20878> (accessed December 18, 2011).

¹³⁹ Canadian Defence Forces, "Defence Ethics Programme," <http://www.dep-ped.forces.gc.ca/dep-ped/index-eng.aspx> (accessed December 18, 2011).

¹⁴⁰ Canadian Defence Forces, "Organization Chart," <http://www.dep-ped.forces.gc.ca/dep-ped/about-ausujet/org-eng.aspx> (accessed December 18, 2011).

¹⁴¹ Canadian Defence Forces, "What Would You Do?," <http://www.dep-ped.forces.gc.ca/scenarios/index-eng.aspx> (accessed December 18, 2011).

¹⁴² Canadian Defence Academy Press, "Current Titles," <http://www.cda.forces.gc.ca/cfli-ilfc/CurrentTitles-eng.asp> (accessed December 18, 2011).

¹⁴³ Jeff Stouffer and Justin C. Wright, eds., *Professional Ideology & Development: International Perspectives* (Kingston, Ontario: Canadian Defence Academy Press, 2008). Also see Jeff Stouffer and Stefan Seiler, eds. *Military Ethics* (Kingston, Ontario: Canadian Defence Academy Press, 2008).

¹⁴⁴ For a brief summary, see Bill Bentley, "Professional Ideology in the Canadian Forces," in Stouffer and Wright, *Professional Ideology & Development*, 4-5. For details see Chief of Defence Staff, *Duty with Honour: The Profession of Arms in Canada 2009* (Kingston, Ontario: Canadian Defence Academy Press, 2009), 24-35.

¹⁴⁵ Canadian Defence Forces, "Army Ethics Program Workshop," <http://www.army.forces.gc.ca/land-terre/aep-peat/courseware-telechargements-eng.asp> (accessed December 18, 2011).

¹⁴⁶ Canadian Defence Forces, "Appendix 2: A Soldier's Primer on Military Ethics," http://www.army.forces.gc.ca/land-terre/aep-peat/duty-servrir/appendix_2-appendice_2/primer-introduction-eng.asp (accessed December 18, 2011). Diogenes is described as an originator of Cynicism and Stoicism in Encyclopedia Britannica, "Diogenes," <http://www.britannica.com/EBchecked/topic/164151/Diogenes> (accessed December 12, 2011).

¹⁴⁷ Chief of Defence Staff, *Duty with Honour*, 35.

¹⁴⁸ Directorate General Development and Doctrine, *Land Operations*, 143.

¹⁴⁹ British Army. *Values and Standards of the British Army* (Ministry of Defense, January 2008).

¹⁵⁰ *Ibid.*, para. 29.

¹⁵¹ *Ibid.*, para. 31-33.

¹⁵² Directorate General Development and Doctrine, *Land Operations*, 146. Also see Ministry of Defence, "The Armed Forces Covenant," <http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/Personnel/Welfare/ArmedForcesCovenant/> (accessed December 18, 2011).

¹⁵³ *Ibid.*, 146.

¹⁵⁴ Centre for Defence Leadership and Ethics, "Home," <http://www.defence.gov.au/adc/centres/cdle/cdle.html> (accessed December 18, 2011).

¹⁵⁵ Joint Education, Training and Warfare Command, Proceedings of the Chief of Defence Force 2009 Warrant Officer and Non-commissioned Officer Leadership Forum - Ethical Leadership," (Weston Creek, New Zealand: Joint Education, Training and Warfare Command,

October 2009)

http://www.defence.gov.au/adcdocs/cdle2010/CDLE_WOandNCOforumproceedings2009.pdf

¹⁵⁶ Defence Fraud Control Policy and Ethics Directorate, *Ethics Matters: in Defence Resource Management*, (July 2002).

¹⁵⁷ Department of Defence. *The Defence Leadership Framework: Growing Leaders at all Levels*. Australian Government.

¹⁵⁸ Director Centre for Defence Leadership Studies, *Executive Series Leadership in the Australian Defence Force Australian Defence Doctrine Publication*, (ADDP 00.6), (Canberra, Australia: Defence Publishing Service, March 22, 2007), 2-6.

¹⁵⁹ Ibid., 2-6.

¹⁶⁰ Ibid., 2-15.

¹⁶¹ Sea Power Centre, *The Royal Australian Navy Leadership Ethic*, (Commonwealth of Australia: Defence Publishing Service, 2010).

¹⁶² Ibid., 87-91.

¹⁶³ Ibid., 73.

¹⁶⁴ Director Centre for Defence Leadership Studies, *Executive Series Leadership*, 2-13.

¹⁶⁵ The Royal Australian Army Core Values are found at Royal Australian Army, "Traditions and Values," <http://www.defencejobs.gov.au/army/LifeStyle/traditionsAndValues.aspx> (accessed January 22, 2012). The Navy Values are found in Sea Power Centre, *The Royal Australian Navy Leadership Ethic*, 37-40.

¹⁶⁶ The Royal Australian Air Force Values are found at Royal Australian Air Force, "Traditions and Values," <http://www.defencejobs.gov.au/airforce/Lifestyle/traditionsAndValues.aspx> (accessed January 22, 2012).

¹⁶⁷ Headquarters New Zealand Defence Force, *Foundations of New Zealand Military Doctrine* (NZDDP-D), (Wellington, New Zealand: Headquarters New Zealand Defence Force, November 2008), 6-3 - 6-4.

¹⁶⁸ Ibid., 7-5 - 7-8.

¹⁶⁹ Murray Simons, "Professional Ideology in the New Zealand Defence Force," in Stouffer and Wright, *Professional Ideology & Development*, 78-79. The Royal New Zealand Air Force Values can be found at Royal New Zealand Air Force, "RNZAF Mission Statement," <http://www.airforce.mil.nz/about-us/rnzaf-mission-statement.htm> (accessed December 18, 2011).

¹⁷⁰ Don Parker and Peter Greener, "Ethics Research: Moral Psychology and its Promise of Benefits for Moral Reasoning in the Military," in *Military Ethics* eds. Jeff Stouffer and Stefan Seiler (Kingston, Ontario: Canadian Defence Academy Press, 2008), 25.

¹⁷¹ Israeli Defense Forces, "Doctrine," <http://www.idf.il/1497-en/Dover.aspx> (accessed December 18, 2011).

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Although not within the scope of this analysis it is worth noting that, the German Bundeswehr also uses a one-page construct to relay the origins of its service, its relationship to the state, the characteristics of the Army and its guiding principles. It is quite similar to the Canadian and Israeli descriptions in content and arrangement. The Bundeswehr ethic can be found at the CAPE website at German Bundeswehr, "Self Conception," <http://cape.army.mil/repository/ProArms/2010-12-08%20Self%20Conception%20German%20Army.pdf> (accessed January 15, 2012).

¹⁷⁵ U.S. Department of the Army, *The Army Capstone Concept 2016-2028*, TRADOC Pam 525-3-0 (Washington DC: U.S. Department of the Army, December 21, 2009), slide 4.

¹⁷⁶ David L. Perry, *Partly Cloudy: Ethics in War, Espionage, Covert Action, and Interrogation* (Lanham, MD: Scarecrow Press, 2009), 4.

¹⁷⁷ John Stuart Mill refined Utilitarianism. Peter Kreeft, *What Would Socrates Do? The History of Moral Thought and Ethics* (New York: Barnes and Noble Audio, 2004), 65.

¹⁷⁸ Machiavelli "taught that, in politics, whether an action is evil or not can only be decided in the light of what it is meant to achieve and whether it successfully achieves it." Niccolo Machiavelli, *The Prince*, trans.by George Bull (New York: Penguin Books, 1981), 24.

¹⁷⁹ In many ways "24," a television show developed prior to the September 11, 2001 attacks became a morality play and revenge fantasy for viewers when it aired. These ideas are explored in detail in a five part web-series in Aaron Aradillas and Matt Zoller Seitz, "5 on 24, Pt 1: Ticking Clock," May 18, 2010, <http://www.movingimagesource.us/articles/5-on-24-pt-1-ticking-20100518> (accessed December 19, 2011). The time bomb scenario is described as a moral cheat or trick designed to influence an absolutist to accept a consequentialist argument in David Luban, "Liberalism, Torture, and the Ticking Time Bomb," *Virginia Law Review* 91, (September 15, 2005): 1440-1445.

¹⁸⁰ George W. Bush, *Decision Points* (New York: Crown Publishing, 2010), 168-170. Also see Dick Cheney, *In My Time: A Personal and Political Memoir* (New York: Threshold Editions, 2011), 358-362.

¹⁸¹ Lee Deremer, "Cultivating Ethical Habits of Mind for Strategic Decision Making" in *Strategic Thinking: Selected Readings Core Curriculum* (Carlisle Barracks, PA: U.S. Army War College, 2011), 273.

¹⁸² Garrett Thomson, *On Kant* (Belmont, CA: Wadsworth, 2000), 63.

¹⁸³ Ibid., 66.

¹⁸⁴ Deremer, "Cultivating Ethical Habits of Mind," 274. I reference the "Golden Rule" with some apprehension. Critics note that the "Golden Rule" falls short of its potential; it is not as universal as some might hope. See Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press, 1975), 57-66 in Timothy Challans, *Awakening Warrior*, 103, 203. It is often remarked that every major faith has a variation of the Golden Rule; some are better constructed. For example, the Wiccan Rede "An ye harm none, including yourself; do what ye will" avoids the problems presented by the Golden Rule. Other examples of the "ethic of reciprocity" can be found at <http://thesynthesizer.org/golden.html> (accessed March 6, 2012).

¹⁸⁵ Thomson, *On Kant*, 67.

¹⁸⁶ Deremer, "Cultivating Ethical Habits of Mind," 274.

¹⁸⁷ National Security Council, A Report to the President Pursuant to the President's Directive of January 31, 1950, NSC 68, April 7, 1950, 7.

¹⁸⁸ Perry, *Partly Cloudy*, 17.

¹⁸⁹ Oren Gross, "The Prohibition on Torture and the Limits of the Law," in *Torture: A Collection*, ed. Sanford Levinson (New York: Oxford University Press, 2004), 232, referenced in Douglas A. Galipeau, "Torture and the War on Terrorism: Time to Think the Unthinkable?" (Carlisle Barracks, PA: U.S. Army War College, 2005), 8-9.

¹⁹⁰ Harvard Law Professor Alan Dershowitz also proposes splitting the difference between absolutist prohibition against abuse and consequentialist acceptance by suggesting the use of "torture warrants" in extreme cases. Alan Dershowitz, *Why Terrorism Works: Understanding the Threat: Responding to the Challenge* (New Haven: Yale University Press, 2003) found in David P. Forsythe, *The Politics of Prisoner Abuse*, (New York: Cambridge University Press, 2011), 9.

¹⁹¹ Jennings and Hannah, "The Moralities of Obligation and Aspiration," 3.

¹⁹² Peter Kilner, "A Moral Justification for Killing in War," *Army* 60, no.2, (February, 2010): 55-58.

¹⁹³ Kilner, "Military Leaders' Obligation to Justify Killing in War," 24-31.

¹⁹⁴ Ibid., 31.

¹⁹⁵ Couch, *A Tactical Ethic*, 96. Also, British Lieutenant Colonel Bowyer remarks that "professional militaries must act with restraint—as individuals—if they are not to be irreparably damaged as human beings by the need to do violence on behalf of their fellow citizens." Found in Bowyer, "Challenges to the Military Code of Ethics."

¹⁹⁶ Clark Barrett, "Unarmed and Dangerous: The Holistic Preparation of Soldiers for Combat," *Ethical Human Psychology and Psychiatry* 13, no. 2 (2011): 106.

¹⁹⁷ Geert Hofstede and Gert Jan Hofstede, "Introduction: The Rules of the Social game," in *Culture and Organizations: Software of the Mind* (Copyright Clearance Center: 2005), 1-36,

reprinted in *Strategic Leadership: Selected Readings Core Curriculum* (Carlisle, PA: U.S. Army War College, 2011), 185.

¹⁹⁸ Deremer, "Cultivating Ethical Habits of Mind," 270.

¹⁹⁹ Richard A. Gabriel, *To Serve With Honor* (New York: Prager, 1987) quoted in Michael S. Kearns, "Code of Conduct," 3.

²⁰⁰ Jennings and Hannah, "The Moralities of Obligation and Aspiration," 6-7.

²⁰¹ *Ibid.*, 1.

²⁰² *Ibid.*, 8.

²⁰³ Department of Behavioral Sciences and Leadership, USMA, *Leadership in Organizations* (Garden City Park, New York: Avery Publishing, 1988), 422.

²⁰⁴ Patterson and Phipps also identify Kohlberg's stages as critical to ethical education in Patterson and Phipps, "Ethics," 5-6.

²⁰⁵ Marcy P. Driscoll, *Psychology of Learning for Instruction*, 2nd ed. (Needham Heights, MA: Allyn and Bacon, 2000), 348.

²⁰⁶ Brinsfield, "Army Values and Ethics," 75.

²⁰⁷ Robert Reilly, "The Inclination for War Crimes," *Military Review* 89, no. 3 (May-June 2009): 19.

²⁰⁸ Couch notes the paucity of training mostly focused on rules of engagement, as opposed to what he calls warriorship or warrior ethics. Couch, *A Tactical Ethic*, 82.

²⁰⁹ Reilly, 19.

²¹⁰ Stephen J. Gerras, "Thinking Critically About Critical Thinking: A Fundamental Guide for Strategic Leaders," August 2008, in *Strategic Thinking: Selected Readings Core Curriculum* (Carlisle, PA: U.S. Army War College, 2011, 64).

²¹¹ Joint Futures Group, "The Joint Operating Environment 2010," (Suffolk, VA: United States Joint Forces Command, 2010), 69-70.

²¹² Patterson and Phipps, "Ethics," 34-37.

²¹³ Nathaniel Fick in the forward to Couch, *A Tactical Ethic*, xi.

²¹⁴ Couch, *A Tactical Ethic*, 16.

²¹⁵ Couch, *A Tactical Ethic*, Appendix V.

²¹⁶ The Bush administration principals have all conceded that enhanced interrogation techniques were co-opted from SERE. Former President Bush notes that the CIA developed the list of techniques in Bush, *Decision Points*, 169; Former Vice President Cheney establishes the

link between the CIA list and the SERE training in Cheney, *In My Time*, 358. I had numerous personal communications with both USAF Captain (Ret.) Michael S. Kearns, a former SERE instructor, and Lieutenant Colonel Douglas A. Pryer, a former SERE facilitator and Human Intelligence Officer. Both noted that SERE instructors could train students without using torture-like circumstances. Kearns is interviewed in Jason Leopold and Jeffrey Kaye, "CIA Psychologist's Notes Reveal True Purpose Behind Bush's Torture Program," March 22, 2011, <http://www.truth-out.org/cia-psychologists-notes-reveal-bushs-torture-program68542> (accessed July 20, 2011). Pryer describes SERE in Pryer, *The Fight for the High Ground*, xxi-xxiv.

²¹⁷ Pryer, *The Fight for the High Ground*, 22-28.

²¹⁸ Couch, *A Tactical Ethic*, 54.

²¹⁹ Mogelson, "A Beast in the Heart of Every Fighting Man."

²²⁰ Ibid.

²²¹ United States Army Office of the Chief of Public Affairs, *America's Army: The Strength of the Nation: The Army Profession*, DVD (Washington D.C., 2011).

²²² Don Snider, interview by author, Carlisle, PA, September 13, 2011.

²²³ Lewis Sorley, *Honor Bright: History and Origins of the West Point Honor Code and System* (New York: McGraw-Hill, 2009), 12.

²²⁴ Ibid., 23.

²²⁵ Ibid., 46.

²²⁶ Ibid., 19.

²²⁷ Ibid., 12.

²²⁸ Ibid., 121-122.

²²⁹ Ibid., 51, 138.

²³⁰ Ibid., 48.

²³¹ Ibid., 76.

²³² Ibid., 79.

²³³ Ibid., 35.

²³⁴ Peter Fromm, "Cool on Honor: Sadism, Cruelty, and Character Development at West Point," 2011. http://www.foreignpolicy.com/files/fp_uploaded_documents/111202_WestPointPersonalEssay.pdf (accessed December 11, 2011).

²³⁵ Sorley, *Honor Bright*, 156.

²³⁶ Couch, *A Tactical Ethic*, 8.

²³⁷ Ibid., 102-109.

²³⁸ T. M. Jones and L.V. Ryan, "The Link Between Ethical Judgment and Action in Organizations: A Moral Approbation Approach," *Organization Science*, 8, 663-680 quoted in Jennings and Hannah, "The Moralities of Obligation and Aspiration," 7.

²³⁹ Sorley, *Honor Bright*, 28.

²⁴⁰ Chapter 1, The Cadet Honor Code, <http://www.west-point.org/publications/honorsys/chap1.html#106> (accessed December 4, 2011).

²⁴¹ U.S. Department of Defense, *Joint Ethics Regulation 1-6*, 5500.7, 157-158.

²⁴² Chapter 1, The Cadet Honor Code.

²⁴³ Richard Gabriel highlights shortcomings of the USMA Honor Code, and the USMA implementation of ethical training in Gabriel, *To Serve With Honor*, 131-136.

²⁴⁴ United States Air Force Academy Character Development Manual (December 1994) found in Patterson and Phipps, "Ethics," 21. Colonel (Retired) Larry Donnithorne, former Head of USMA's Department of Behavioral Science and Leadership, proposed a model similar to this Air Force model in Larry R. Donnithorne, *The West Point Way of Leadership: From Learning Principled Leadership to Practicing It* (New York: Currency, 1993), 65-67. The model is 1) What are the relevant facts of the situation? 2) What are the alternative actions available? 3) Who will be affected? 4) What moral principles are involved? and 5) How would these principles be advanced or violated by each alternative action?

²⁴⁵ Sea Power Centre, *The Royal Australian Navy Leadership Ethic*, 91.

²⁴⁶ Patterson and Phipps, "Ethics," 36.

²⁴⁷ J. Romaniec and Associates, UEC_CTP_2010_Sep Course Training Plan (Instructor's Manual) for Unit Ethics Coordinator Qualification Course, (Her Majesty the Queen in Right of Canada, 2010).

²⁴⁸ This proposed position would focus on junior supervisors, including officer Lieutenants and non-commissioned officer Corporals, Sergeants and Staff Sergeants. Opponents might suggest this is another "gradeplate" burden which the Army could ill-afford. However, as the Army faces a drawdown, these veterans (these Majors and senior Captains have likely served their entire careers during the Global War on Terror) are people the Army will want to retain.

²⁴⁹ To entice the best candidates for such a job, this position must be categorized as a "Key Developmental" position that would satisfy a Major's branch qualification requirements.

²⁵⁰ This Chief Learning Officer position would assume the duties related to "schools" currently managed by Operations Officers. The "aspiring professional" vs "acting professional" dichotomy is from the Army Profession campaign as explained in Don M. Snider, "Strategic

Leadership of a Military Profession," lecture, U.S. Army War College, Carlisle Barracks, PA, October 2011, cited with permission of Dr. Snider, slides 16-18.

²⁵¹ Strategic Studies Institute researcher Steven Metz recommends improving professional development in an environment with too much to do and not enough time to do it. Found in Steven Metz, "Junior Leader Development: Who Has the Time?" April 2011, <http://www.strategicstudiesinstitute.army.mil/pdf/PUB1060.pdf> (accessed January 26, 2012).

²⁵² Mogelson, "A Beast in the Heart of Every Fighting Man."

²⁵³ Dr. Don Snider suggested these four formative questions. Don Snider, interview by author, Carlisle, PA, September 13, 2011.

²⁵⁴ Bowyer, "Challenges to the Military Code of Ethics."

²⁵⁵ USMA philosophy professor Major John Cazier avoids the term "code" in favor of "expression/articulation of the professional military ethic" in John Cazier, "The Basic Nature of Ethics," (unpublished manuscript), July 10, 2011, 13 received from author December 6, 2011.

²⁵⁶ Brinsfield notes the tension between philosophical consistency and "no-kidding" relevancy and the danger of creating a hodge-podge of disconnected ethical principles in Brinsfield, "Army Values and Ethics," 78.

²⁵⁷ Cazier, "The Basic Nature of Ethics," 2.

²⁵⁸ Structured similar to the United States Charter, United Nations, Charter of the United Nations and Statute of the International Court of Justice. (San Francisco: United Nations, 1945).

²⁵⁹ U.S. Department of the Army. *The Army*, Field Manual 100-1 (Washington, DC: U.S. Department of the Army, August 14, 1981), 24, found in Carl H. Builder, *The Masks of War: American Military Styles in Strategy and Analysis* (Baltimore, MD: Johns Hopkins University Press, 1989), 20.

²⁶⁰ Membership section answers the question "Who are the person or groups of persons affected by your organization or the members of your organization, and how are they prioritized?" Each section is designed to answer the questions posed by Andrew Olson in Olson, "Authoring a Code of Ethics."

²⁶¹ United States Army Office of the Chief of Public Affairs, *America's Army: The Strength of the Nation: The Army Profession*, DVD (Washington D.C., 2011).

²⁶² Ethics professor and author Dr. Martin L. Cook suggests the need for this historical review noting that "few modern 18-22 year old Americans have been educated well if at all on the distinctive Constitutional and historical aspects of the United States" found in Martin L. Cook, "Professional Military Ethics Across the Career Spectrum," *Fort Leavenworth Ethics Symposium: Exploring the Professional Military Ethic Symposium Report November 15-17, 2010* (Fort Leavenworth, KS: CGSC Foundation Press, 2010), 8.

²⁶³ Christopher R. Colbert, "National Character vs. National Security: Conflict in the Making?" (Carlisle Barracks, PA: U.S. Army War College, 2011), 5.

²⁶⁴ National Security Council, A Report to the President, 5.

²⁶⁵ Barack H. Obama, "Remarks by the President on National Security," May 21, 2009, http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-On-National-Security-5-21-09/ (accessed January 17, 2011) in Colbert, "National Character vs. National Security," 5.

²⁶⁶ Barack H. Obama, "Inaugural Address," January 20, 2009, <http://www.whitehouse.gov/blog/inaugural-address/> (accessed January 17, 2011) in Colbert, "National Character vs. National Security," 5.

²⁶⁷ Institutional ethic section answers the question "What are your organization's main areas of action?" in narrative form. Each section is designed to answer the questions posed by Andrew Olson in Olson, "Authoring a Code of Ethics." Lieutenant Colonel Celestino Perez notes that "a narrative is an organizational scheme which represents an identity in story form" in Perez, "The Embedded Morality," 27.

²⁶⁸ Army National Guard, *The Story of the Army National Guard* (ARNG 98-106) (Washington, D.C.:National Guard Bureau, 1998), 3 and R. S. Hunter, D. M. Gordon, D. L. Smith and A. L. Gordon, *2003 National Guard Almanac: Family Member Edition* (Falls Church, VA: Uniformed Services Almanac, 2003), 148 found in Clark Barrett, *An Evaluation of Reserve Component Leaders' Attitudes and Motivation as They Relate to Situational Leadership in a Peacekeeping Operational Environment* (Berrien Springs, MI: Andrews University, November 2007), 2.

²⁶⁹ U.S. Department of the Army. *The Army*, Field Manual 1. (Washington, DC: U.S. Department of the Army, June 14, 2005), 1-2.

²⁷⁰ Clay T. Buckingham, "Ethics and the Senior Officer: Institutional Tensions," *Parameters*, (Autumn 1985): 23-32 reprinted in *Strategic Leadership: Selected Readings Core Curriculum* (Carlisle Barracks, PA: U.S. Army War College, 2011), 282.

²⁷¹ National Security Council, A Report to the President, 12.

²⁷² Sorley, *Honor Bright*, 95.

²⁷³ National Security Council, A Report to the President, 12.

²⁷⁴ Buckingham, "Ethics and the Senior Officer: Institutional Tensions," 282.

²⁷⁵ Directorate General Development and Doctrine, *Land Operations*, 6.

²⁷⁶ *Ibid.*, 7.

²⁷⁷ Department of the Army. *The Army Field Manual 1*, (June 14, 2005), Foreword.

²⁷⁸ T.R. Fehrenbach, *This Kind of War: A Study in Unpreparedness* (New York: MacMillan, 1963) found in Department of the Army, *The Army*, Field Manual 1, (June 14, 2005), 1-1.

²⁷⁹ NATO, "Multiple Futures Project: Navigating Towards 2030, Final Report April 2009," May 8, 2009 <http://www.scribd.com/doc/15832019/Multiple-Futures-Project-Final-Report> (accessed November 13, 2011), 8.

²⁸⁰ George Washington, General Orders, Headquarters, Cambridge, MA, January 1, 1776, in *The Papers of George Washington*, eds. W.W. Abbot et. al. *Revolutionary War Series*, No. 3, *January to March 1776*, ed. Philander D. Chase (Charlottesville: University Press of Virginia, 1988), 1-3, found in Richard Swain, "Reflection on an Ethic of Officership," *Parameters*, (Spring 2007): 12.

²⁸¹ Forsythe, *The Politics of Prisoner Abuse*, 95.

²⁸² The Statement of Army Professionals' Ethics answers the questions "What unethical decisions and actions would your organization like to prevent, and how could they be prevented?" and "What type of ethical problems are members of your organization most likely to encounter?" in code form from Andrew Olson in Olson, "Authoring a Code of Ethics."

²⁸³ Eliot Cohen, "America's Distinctive Way of War," November 11, 2011, <http://online.wsj.com/article/SB10001424052970203687504577005804147626694.html> (accessed November 11, 2011).

²⁸⁴ Couch, *A Tactical Ethic*, 24-25.

²⁸⁵ David Hackett Fisher, *Washington's Crossing* (New York: Oxford University Press, 2004), 375.

²⁸⁶ *Ibid.*, 379.

²⁸⁷ Francis Lieber, "The Lieber Code of 1863," <http://www.civilwarhome.com/liebercode.htm> (accessed February 3, 2012), found in Swain, "Reflection on an Ethic of Officership," 14.

²⁸⁸ Anthony E. Hartle, *Moral Issues in Military Decision-making*, 2nd ed. (Lawrence, KS: University Press of Kansas, 2004), 229.

²⁸⁹ Peter Tyson, "The Hippocratic Oath Today," <http://www.pbs.org/wgbh/nova/body/hippocratic-oath-today.html> (accessed November 28, 2011).

²⁹⁰ U.S. Department of the Army, *The Soldier's Blue Book*, 12. I selected these virtues through analysis of the collective common values of the U.S. and partner nations. I also used the logic found in John Cazier, "The Basic Nature of Ethics," 4-8. I later discovered a similar virtues construction by Timothy Challans, *Awakening Warrior*, 86-91. I avoid the redundancy and forced nature of the current Army Values mnemonic acronym.

²⁹¹ Psalm B.C. Lew, "Preparing Values-based Commanders for the 3rd Generation Singapore Armed Forces," in *Military Ethics*, eds. Jeff Stouffer and Stefan Seiler (Kingston, Ontario: Canadian Defence Academy Press, 2008), 125.

²⁹² Canadian Government, "Canadian Government Statement of Defense Ethics," http://ethics.iit.edu/indexOfCodes-2.php?key=12_205_1480 (accessed February 6, 2012).

- ²⁹³ U.S.Department of Defense, "Character: Nobility of Life and Action," 284.
- ²⁹⁴ Chief of Defence Staff, *Duty with Honour*, 33.
- ²⁹⁵ Michael P. Manning, "A Codified Joint Professional Military Ethic: The Cornerstone of 21st Century U.S. Military Transformation," (Newport, RI: Naval War College, September 15, 2010), 18-19.
- ²⁹⁶ U.S.Department of Defense, "Character: Nobility of Life and Action," 288.
- ²⁹⁷ Manning, "'A Codified Joint Professional Military Ethic,'" 18. Also from U.S. Department of Defense, *Joint Ethics Regulation 1-6*, 5500.7, 154.
- ²⁹⁸ German Bundeswehr, "Self Conception."
- ²⁹⁹ Moten, "The Army Officers' Professional Ethic," 17-18, 22.
- ³⁰⁰ Royal New Zealand Air Force, "RNZAF Mission Statement." Also from German Bundeswehr, "Self Conception."
- ³⁰¹ Chief of Defence Staff, *Duty with Honour*, 32.
- ³⁰² Royal New Zealand Air Force, "RNZAF Mission Statement."
- ³⁰³ Manning, "A Codified Joint Professional Military Ethic," 18.
- ³⁰⁴ Lew, "Preparing Values-based Commanders," 125.
- ³⁰⁵ Israeli Defense Forces, "Doctrine."
- ³⁰⁶ Gabriel, *The Warrior's Way*, 179.
- ³⁰⁷ British Army, *Values and Standards of the British Army*, 10.
- ³⁰⁸ Canadian Government, "Canadian Government Statement of Defense Ethics."
- ³⁰⁹ U.S. Department of the Army, *The Army* FM 100-1 (Washington, DC: August 14, 1981), 26, quoted in Hugh A. Kelley, "A Proposal for the United States Army Ethic," 23.
- ³¹⁰ British Army, *Values and Standards of the British Army*, 10.
- ³¹¹ Ibid., 8.
- ³¹² Lew, "Preparing Values-based Commanders," 125.
- ³¹³ U.S. Department of the Army, *The Army*, 24, quoted in Hugh A. Kelley, "A Proposal for the United States Army Ethic," 20. Also from Royal Australian Army, "Traditions and Values."
- ³¹⁴ Brinsfield, "Army Values and Ethics," 81.

³¹⁵ U.S. Department of Defense, *Joint Ethics Regulation 1-6*, 5500.7, 153, and British Army, *Values and Standards of the British Army*, 14.

³¹⁶ Canadian Government, "Canadian Government Statement of Defense Ethics."

³¹⁷ Israeli Defense Forces, "Doctrine."

³¹⁸ Lew, "Preparing Values-based Commanders," 125.

³¹⁹ Canadian Government, "Canadian Government Statement of Defense Ethics."

³²⁰ Kilner, "A Moral Justification for Killing in War," 60.

³²¹ Baumann, "Military Ethics: A Task for Armies," 37-38.

³²² U.S. Department of the Army. *The Soldier's Blue Book*, 16-17.

³²³ Moten, "The Army Officers' Professional Ethic," 5, 13.

³²⁴ Gabriel, *To Serve With Honor*, 173.

³²⁵ *The Army*, FM 1 and *Operations*, FM 3 are the two current capstone manuals.

³²⁶ The governance section answers the question "How can conflicting principles be resolved?" from Andrew Olson in Olson, "Authoring a Code of Ethics."

³²⁷ Donnithorne, *The West Point Way of Leadership*, 65-67.

³²⁸ Chapter 1, The Cadet Honor Code.

³²⁹ Harold Lord, ed., *How the Army Runs: A Senior Leader Reference Handbook 2011-2012* (Carlisle, PA: U.S. Army War College, 2011), 456.

³³⁰ Gabriel, *To Serve With Honor*, 209.

³³¹ Sorley, *Honor Bright*, 158.

³³² German Bundeswehr, "Self Conception."

³³³ The Airborne Network: Utrunque paratus, "The Military Covenant," <http://www.abnetwork.org/articles/military-covenant> (accessed December 7, 2011).

³³⁴ U.S. Department of the Army, *The Armed Force Officer*, Pamphlet 600-2 (Washington DC: U.S. Department of the Army, July 22, 1975), 1 quoted in Hugh A. Kelley, "A Proposal for the United States Army Ethic," (Carlisle Barracks, PA: U.S. Army War College, 1984), 19.

³³⁵ The Airborne Network: Utrunque paratus, "The Military Covenant."

³³⁶ Couch, *A Tactical Ethic*, 26. As Dr. Don Snider and Colonel Murray Clark both note, such a covenant cannot be created by the Army without endorsement of the civilian authorities.

³³⁷ Mogelson, "A Beast in the Heart of Every Fighting Man."

³³⁸ De George notes that retired General Maxwell Taylor called for a military code of ethics in the 1980s in De George, "Defining Moral Obligations," 24.

³³⁹ Tim Arango and Michael S. Schmidt, "Iraq Denies Legal Immunity to U.S. Troops After 2011", October 4, 2011, http://www.nytimes.com/2011/10/05/world/middleeast/iraqis-say-no-to-immunity-for-remaining-american-troops.html?_r=1&partner=rss&emc=rss (accessed October 15, 2011).

³⁴⁰ Mogelson, "A Beast in the Heart of Every Fighting Man."

³⁴¹ Deremer, "Stewardship: What's In It for You?," 270. Retired Air Force Colonel Deremer asks "What would an organization that acted on the belief that people are its most important resource look like?" He argues that the U.S. military is such an organization. I would suggest that such an organization would ensure its moral/ethical boundaries are well known and adhered to. Resourcing and communicating those norms, values and underlying assumptions and ensuring compliance would be a priority rather than a secondary or tertiary concern.

³⁴² Frederick, *Black Hearts*, 349.

³⁴³ Nancy A. Youssef, "Unit Commander Among Marines Urinating on Corpses," February 2, 2012, <http://www.military.com/news/article/unit-commander-among-marines-urinating-on-corpses.html> (accessed February 5, 2012).

³⁴⁴ Kay Johnson and Rahim Faiez, "Afghan Commission Alleges US Detainee Abuse," January 8, 2012, <http://www.foxnews.com/world/2012/01/07/afghan-commission-alleges-us-detainee-abuse/> (accessed February 5, 2012). See also Matthew Rosenberg, "Karzai's Ultimatum Complicates U.S. Exit Strategy," January 9, 2012, <http://www.nytimes.com/2012/01/09/world/asia/karzais-ultimatum-on-afghan-prison-complicates-us-exit-strategy.html?pagewanted=all> (accessed February 5, 2012).

³⁴⁵ Eliot A. Cohen, "The Historical Mind and Military Strategy," *Orbis: A Journal of World Affairs* 49, no. 4 (Fall 2005) reprinted in *Strategic Thinking: Selected Readings Core Curriculum* (Carlisle, PA: U.S. Army War College, 2011), 223-224.

³⁴⁶ Brinsfield, "Army Values and Ethics," 72.

³⁴⁷ Melissa Bower, "Mattox Installed as CGSC's First Ethics Chair," November 10, 2011, <http://www.ftleavenworthlamp.com/community/x1691079272/Mattox-installed-as-CGSC-s-first-ethics-chair> (accessed December 7, 2011).

³⁴⁸ Sorley, *Honor Bright*, 157.

³⁴⁹ Fromm, Pryer, and Cutright, "War is a Moral Force," 40-46.

³⁵⁰ Moten, "The Army Officers' Professional Ethic," 18-19.

³⁵¹ Kearns, "Code of Conduct," 7.

³⁵² Moten, "The Army Officers' Professional Ethic," 18-19.

³⁵³ Many politicians reputedly used this quote or something like it. Secretary of State Hillary Clinton made this remark about climate change in Pete Harrison, "Never Waste a Good Crisis," March 7, 2009, <http://in.reuters.com/article/2009/03/06/us-eu-climate-clinton-idINTRE5251VN20090306> (accessed January 23, 2012).

³⁵⁴ Sun Tzu, *The Art of War*, 88.

³⁵⁵ I am indebted to Colonel Murray "Murf" Clark, Lieutenant Colonel Douglas A. Pryer, and Mrs. Shara Barrett for their grammatical edits, clarifications and content suggestions throughout this document.